WSR 26-14-021
PROPOSED RULES
DEPARTMENT OF ECOLOGY

[Order 24-12—Filed June 22, 2026, 8:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-01-038.

Title of Rule and Other Identifying Information: Organic materials management rule making; chapter 173-350 WAC, Solid waste handling standards. The Washington department of ecology (ecology) proposes amendments to this chapter to address contamination in organic waste and finished products and to cover additional organic materials management practices.

Hearing Location(s): On August 5, 2026, at 9:00 a.m. Pacific Time, via Zoom webinar. Register at https://waecy-wa-gov.zoom.us/meeting/register/st4J5HrFR3G7CQEa_1u4SA; and on August 6, 2026, at 5:30 p.m. Pacific Time, via Zoom webinar. Register at https://waecy-wa-gov.zoom.us/meeting/register/eQg0jHlhTueGeMHFMC4fog. Meeting links and phone dial-in options are available after registering for the meetings.

Date of Intended Adoption: November 19, 2026.

Submit Written Comments to: Chris Fredley, Department of Ecology, Solid Waste Management Program, P.O. Box 47600, Olympia, WA 98504-7600, email organicsrule@ecy.wa.gov, comment site https://swm.ecology.commentinput.com?id=iPusYareb, beginning June 22, 2026, 12:00 a.m., by August 13, 2026, 11:59 p.m.

Assistance for Persons with Disabilities: Contact ecology ADA coordinator, phone 360-407-6831, Washington relay service or TTY call 711 or 877-833-6341, email ecyADAccordinator@ecy.wa.gov [ecyADAcoordinator@ecy.wa.gov], web https://ecology.wa.gov/accessibility, request for reasonable accommodation form at https://apps.ecology.wa.gov/publications/documents/ecy070538.pdf, by August 6, 2026, 11:59 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Ecology was tasked with addressing contamination in organic feedstocks and finished product at compost facilities. This proposal aims to reduce contamination by limiting the contamination allowed in incoming organic material feedstocks and finished products. This proposed rule includes:

- A contamination limit of five percent by volume for material coming into all organic materials management facilities.
- Changes to handling standards for compost facilities, anaerobic digesters, outdoor piles for storage or treatment, and other forms of organic materials management such as vermiculture.
- New standards for organic material preprocessing facilities that recover food embedded in packaging and manage contamination in highly contaminated loads. Preprocessing would be required for loads that have contamination above the five percent incoming contamination limit.
- Stricter contamination limits for finished products leaving organic materials management facilities.
- Standardized training requirements for all organic materials management facilities.
- Simplified permit requirements for engineering documents.
- Clarifications to the coverage of exempt activities at permitted sites.

- Several new permit exemptions for agricultural and small-scale composting operations.
- Updated language to address persons responsible for solid waste management, onsite storage, and transportation requirements.

Reasons Supporting Proposal: The recently passed organics management laws are driving recovery of more organic material statewide, and the legislature mandated ecology to write rules to ensure that physical contamination in organic materials is properly managed. Ecology is proposing amendments to the solid waste handling standards related to organic materials management under chapter 173-350 WAC to account for modern technology and common handling practices. New proposed preprocessing standards will help ensure that facilities preprocessing highly contaminated loads of organic materials operate in a safe and appropriate manner that protects human health and the environment.

Statutory Authority for Adoption: Chapter 70A.205 RCW.

Statute Being Implemented: RCW 70A.205.540 Source separated solid waste collection services—Fees—Exceptions—Rule making.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Dawn Marie Maurer, Shoreline, Washington, 425-516-3015.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Chris Fredley, Department of Ecology, Solid Waste Management Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 564-233-1615, Washington relay service or TTY call 711 or 877-833-6341, email organicsrule@ecy.wa.gov. A copy is available for download at https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-350.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rule content is explicitly and specifically dictated by statute.

Scope of exemption for rule proposal:

Is partially exempt:

Explanation of partial exemptions: Ecology baselines are typically complex, consisting of multiple requirements fully or partially specified by existing rules, statutes, or federal laws. Where the proposed rule differs from this baseline of existing requirements, it is typically subject to (i.e., not exempt from) analysis

required under the Regulatory Fairness Act (RFA; chapter 19.85 RCW) based on meeting criteria referenced in RCW 19.85.025(3) as defined by the Administrative Procedure Act in RCW 34.05.310. The small business economic impact statement (SBEIS) below includes a summary of the baseline for this rule making, and whether or how the proposed rule differs from the baseline.

The proposed rule does impose more-than-minor costs on businesses.

SBEIS

This SBEIS presents the:

- Compliance requirements of the proposed rule.
- Results of the analysis of relative compliance cost burden.
- Consideration of lost sales or revenue.
- Cost-mitigating action taken by ecology, if required.
- Small business and local government consultation.
- Industries likely impacted by the proposed rule.
- Expected net impact on jobs statewide.

A small business is defined by RFA as having 50 or fewer employees. Estimated costs are determined as compared to the existing regulatory environment, the regulations in the absence of the rule. The SBEIS only considers costs to "businesses in an industry" in Washington state. This means that impacts, for this document, are not evaluated for government agencies. The existing regulatory environment is called the "baseline" in this document. It includes only existing laws and rules at federal and state levels.

This information is excerpted from ecology's complete set of regulatory analyses for this rule making. For complete discussion of the likely costs, benefits, minimum compliance burden, and relative burden on small businesses, see the associated regulatory analyses document **(ecology publication no. XX-XX-XXX, MONTH 20XX).**

COMPLIANCE REQUIREMENTS OF THE PROPOSED RULE, INCLUDING PROFESSIONAL SERVICES: The baseline for our analyses generally consists of existing laws and rules. This is what allows us to make a consistent comparison between the state of the world with and without the proposed rule amendments. For this rule making, the baseline includes chapters 173-350 WAC and 70A.205 RCW.

The baseline also includes anticipated changes to the volume and characteristics of organic material that will be managed by Washington organics management facilities due to statutory requirements. Amendments to chapter 70A.205 RCW in 2022, 2024, and 2025 require expanded commercial and residential organics management services. A 2025 analysis projected that these statutory amendments would lead to an increase in the amount of material handled by compost facilities; from about one million tons in 2023 to more than three million tons in 2035. The feedstocks ecology anticipates will expand the most are also among the more contaminated; particularly, food waste and mixed food/yard waste from households and businesses in places where organics waste collection is newly required.

The proposed rule amendments would: (1) Clarify requirements for recyclable materials containers; (2) clarify that an organics management facility does not own a load they rejected; (3) create, revise, or clarify definitions; (4) create organic materials preprocessing standards; (5) limit feedstock physical contamination to five percent prior to organic materials management; (6) revise organic solid waste permit exemptions; (7) clarify exemptions at permitted facilities; (8)

standardize training requirements across all organic management facilities; (9) revise language for documentation requiring a professional engineer; (10) revise testing requirements for finished organic materials; (11) reduce physical contaminant limits in finished organic materials; (12) create permitting standards for other organic materials handling activities; and (13) update the rule's organizational structure, wording, and references.

1. Clarify requirements for recyclable materials containers: The proposed amendment to WAC 173-350-025 specifies responsibilities of the "owner, operator, and occupant of any premises, business establishment, or industry responsible for the management of solid waste generated or accumulated on the property." Among these responsibilities: "Ensuring that where there is a container to collect recyclable materials, there is a separate container for waste to be disposed; Ensuring recyclable materials containers clearly identify acceptable materials."

Expected impact: The purpose of the proposed rule amendment is to incorporate the statutory requirements into rule and clarify them to meet the statutory intent. Statute intends to create a solid waste handling system that supports the separation of recyclable materials from solid waste, including disposing of them in separate containers and clearly labeling those containers. The proposed rule amendment supports those statutory requirements. Because these requirements are intended to implement the statutory requirements, we do not expect any costs associated with them. There may be some benefit associated with adding more precision to meet the requirements outlined in statute. It could make it easier for local health jurisdictions to enforce, and it may help reduce for regulated entities who would otherwise be uncertain in how to meet the statutory requirements.

2. Clarify that an organics management facility does not own a load they rejected:

Proposed: The proposed rule amendment would add the following language to WAC 173-350-025 (4)(e): Any person collecting or transporting solid waste is responsible for legal management of the waste by ensuring delivery only to solid waste handling facilities that have approval by oversight agencies to manage the waste types delivered and such persons must adhere to any waste acceptance restrictions. A solid waste handling facility may reject a load, and take no ownership of a rejected load, if it finds within the load waste that which is prohibited under regulation, permit conditions, or facility acceptance policies.

Expected impact: Facilities have the right to reject a load if it does not meet the requirements of acceptable waste under the existing rule. The proposed amendment clarifies this by making it explicit that organics management facilities do not own a load they have rejected. We do not expect any costs from this proposed amendment.

3. Create, revise, or clarify definitions:

Proposed: The proposed rule amendment would modify existing definitions, add new terms not previously defined in the rule, and remove definitions that appear in the existing rule.

Expected impact: There is no expected impact from the new, revised, or clarified definitions; in and of themselves, definitions that support substantive amendments in other parts of the rule are incorporated into the analysis specific to those amendments.

4. Create organic materials preprocessing standards:

Proposed: The proposed rule amendment creates WAC 173-350-215 and lists organic materials preprocessing facility requirements in that

section. Organic material preprocessing is defined as the processing of source separated solid waste to remove physical contaminants and packaging prior to organic materials management. Preprocessing operations for feedstocks with less than five percent physical contaminants by volume is exempt from all requirements under this section. The proposed permit requirements for preprocessing facilities in WAC 173-350-215 are the same as the existing requirements for recycling and material recovery facilities in WAC 173-350-210 except for additional design requirements to calculate maximum site and feedstock processing capacity, and operation plan requirements describing the types of waste to be handled, how materials will meet a five percent physical contamination limit after preprocessing, same collection every three months or every 5,000 cubic yards, how materials with excessive physical contamination will be handled, and how preprocessing will be kept distinct from processing.

Expected impact: The proposed rule amendment creates a section with distinct requirements for preprocessing facilities. Existing facilities that preprocess waste with more than five percent physical contamination by volume would be required to meet the proposed operating and monitoring standards within 18 months of the effective date of the rule amendment, and would have an additional six months to meet performance and design requirements. The only proposed amendment we expect to create ongoing costs is the requirement to begin collecting and sample preprocessed material for physical contaminants within 18 months of the effective date of the rule. Facilities would be required to sample their preprocessed material every three months, or every 5,000 cubic yards (or one million gallons for liquids), to ensure it meets the five percent physical contaminant by volume limit. While it creates laboratory costs for preprocessing facilities, it also helps ensure consistency in preprocessed organic material, reducing uncertainty for organic materials management facilities that would receive the preprocessed material and require a low concentration of physical contaminants in their feedstock. There may be some additional costs for existing facilities to amend their permits to include preprocessing activities and demonstrate that they meet the preprocessing facility standards, but we believe these will be one-time administrative costs. However, we do not expect that existing permitted facilities will have a substantial impact on their operations from the rule. While any organic materials management facility that accepts feedstock with greater than five percent physical contaminants by volume would be subject to the requirements proposed in WAC 173-350-215, preprocessing could be done under their existing solid waste permit and we expect facilities already meet the requirements to reduce physical contaminants to five percent by volume or less.

5. Limit feedstock physical contamination to five percent prior to organic materials management:

Proposed: Under the proposed amendments, compost, other organic materials management, and anaerobic digester facilities must limit physical contaminants in incoming feedstocks to no more than five percent by volume in accordance with the proposed amendments to WAC 173-350-220, 173-350-225, and 173-350-250, respectively.

Expected impact: We do not anticipate any impact on existing facility operations due to the proposed five percent contamination limit. The baseline already limits compost facilities to accept feedstock that is five percent contamination by volume or lower unless they have a plan to decontaminate it prior to composting. We expect that compost facilities that accept feedstocks with greater than five percent con-

tamination under the baseline already engage in sufficient preprocessing to meet the proposed rule amendment. More generally, we do not expect compost facilities to successfully process feedstock with more than five percent contamination without first preprocessing to reduce the concentration of physical contaminants.

6. Revise organic solid waste permit exemptions:

Proposed: The proposed rule amendment would include additional or modified permit exemptions for composting facilities, other organics management facilities, anaerobic digesters, and piles for storage or treatment.

Expected impact: Ecology is not aware of any existing facilities that would be impacted by the permit exemption amendments, except:

- An estimated two to six anaerobic digesters with between 1,000 and 5,000 gallons of material on-site at any one time would now be required to notify ecology.
- Five anaerobic digester facilities processing only manure, agricultural waste, and up to 30 percent food processing waste would now be required to periodically test and report nutrient concentrations of their digestate to the partner dairies and the Washington state department of agriculture beginning within the next 12 months.
- Facilities operating under an exemption where the criteria for exemption would be changed under the proposed rule amendment may have to resubmit a notification of exemption to address the new criteria.

7. Clarify exemptions at permitted facilities:

Proposed: The proposed rule amendment includes language in each section that is meant to clarify permit and exemption requirements for local health jurisdictions and for the owners and operators of facilities. If a site requires a solid waste permit according to one section of chapter 173-350 WAC but qualifies for an exemption under another section or sections of chapter 173-350 WAC, then: It would require a permit and would not be permit exempt; all activities could be covered under the same permit, and the activity would only need to meet the applicable conditional exemption standard; the plan of operation for that site must detail how they meet permit exemptions for any applicable sections.

Expected impact: We expect the rule amendment to clarify which facilities need permits and what the regulatory requirements for those facilities are. We do not expect any costs.

8. Standardize training requirements across all organic management facilities:

Proposed: WAC 173-350-220(6), 173-350-225(6), and 173-350-250(6) would require compost, other organics management, and anaerobic digester facilities to keep and follow a plan of operation that must be available in a language that employees can read. Each plan of operation includes requirements for ensuring the appropriate training.

Expected impact: The proposed change may reduce the costs for compost facilities in complying with the training requirement. We do not expect the proposed change to compromise environmental or public health. The language still requires facility employees to be adequately trained but no longer specifies a particular training requirement for compost facility supervisors. The proposed requirement to make the plan of operation available in a language that employees can read is not in the baseline. However, because adequate training would already require the bulk of the plan of operation to be translated into lan-

guages spoken by employees, we do not expect this additional requirement to add significant costs.

9. Revise language for documentation requiring a professional engineer:

Proposed: The proposed rule amendment defines "engineered features" and specifies that only engineered features proposed to meet the standards in each respective section must be prepared by a professional engineer registered in the state of Washington.

Expected impact: We expect the proposed rule amendment to reduce confusion over what parts of documentation that owners and operators of organic materials management facilities are required to provide must be completed by a professional engineer. We expect the rule may reduce documentation costs for some facilities.

10. Revise testing requirements for finished organic materials:

Proposed: The proposed amendment would change requirements from the baseline, including requiring: Accreditation for any laboratory conducting conduct analyses; laboratory test results in annual reports from facilities to include the summary of laboratory results from the accredited laboratory; permitted compost, other organics management, and anaerobic digester facilities to test at least once per quarter, instead of at least once per year as in the baseline; testing at least once per year or every 5,000 cubic yards, whichever is more frequent, for some exempt facilities that do not require testing in the baseline; test for salmonella or fecal coliform as most appropriate with a default to test for fecal coliform unless otherwise approved.

Expected impact: We expect no costs from the rule other than the increase in testing frequency. Facilities that would be required to conduct additional testing under the proposed rule amendment within 18 months of the effective date of the rule amendment would incur some cost associated with the additional testing. We also expect there to be some benefit, both to human health and to the marketability of organic products, in ensuring that finished organic products in Washington consistently meet the requirements outlined in Table 220-B as seasonal feedstocks and weather can impact composting biology, resulting in seasonal variations that will be better tracked through quarterly testing.

11. Reduce physical contaminant limits in finished organic materials:

Proposed: The proposed amendment to chapter 173-350 WAC defines a new physical contaminant limit in Table 220-B of 0.5 percent, not to exceed 0.1 percent film plastic, by weight.

Expected impact: All organic materials management facilities currently reporting physical contaminant concentrations in their finished organic products, such as compost or digestate, would meet the limits in the proposed rule amendment. While we anticipate growth in the total volume of organic materials recovered and an increase in physical contamination in feedstocks in the next several years, we expect the proposed amendments would reduce physical contaminants in these products and the associated risks to the environment and public health. Limiting the amount of contamination consumers experience in purchased compost would also increase consumer confidence and demand, increasing the overall market value of compost and other finished organic products. Moreover, ecology is required by statute to address physical contaminants in organic products. Reducing the physical contaminant limit in organic products meets this statutory obligation.

12. Create permitting standards for other organic materials handling activities:

Proposed: The proposed rule amendment to WAC 173-350-225 would create standards for other organic materials handling activities that are not exempt or not covered by permits elsewhere. Proposed permit requirements generally align with permit requirements in WAC 173-350-220 and 173-350-330.

Expected impact: In the baseline, other organic materials handling facilities would be subject to permitting by local health jurisdictions under WAC 173-350-490. While there are no organic materials management facilities currently permitted under WAC 173-350-490, it would have the potential to offer some flexibility for local health jurisdictions but would also create a burden on local health jurisdictions to appropriate regulatory standards for each facility. It is our expectation that local health jurisdictions would largely have based any permits granted under WAC 173-350-490 on existing language that appears in other sections in chapter 173-350 WAC.

13. Update the rule's organizational structure, wording, and references:

Proposed: The proposed rule amendment restructures the rule to allow each organic materials facility section to have a common structure. Each section would include the requirements for the corresponding facility activity with as much common language as possible, making it easier to read and understand within each section. The proposed rule rescinds WAC 173-350-300 and moves the on-site storage, collection, and transportation requirements to WAC 173-350-025, instead. The proposed amendment also makes minor updates to wording and updates references to statute where those have changed.

Expected impact: We do not expect any material impact from the proposed rule amendments beyond adding clarity.

COSTS OF COMPLIANCE: EQUIPMENT: "Compliance with the proposed rule, compared to the baseline, is not likely to impose additional costs of equipment."

COSTS OF COMPLIANCE: SUPPLIES: "Compliance with the proposed rule, compared to the baseline, is not likely to impose additional costs of supplies."

COSTS OF COMPLIANCE: LABOR: Facilities operating under an exemption where the criteria for exemption would be changed under the proposed rule amendment may have to resubmit a notification of exemption to address the new criteria, which could include labor costs. It is unknown how many facilities this may impact.

Some organic materials management facilities engage in significant preprocessing. Ecology estimates that six compost facilities currently [process] post-consumer food waste, which we expect will require significant preprocessing in the future. If they accept feedstock with more than five percent physical contamination and elect to continue to do so, they may be required to meet the preprocessing standards defined by the proposed rule amendment. In that case, there may be some costs associated with demonstrating that they meet the proposed design and operating standards for organic materials preprocessors. While many facilities have already supplied this information in their existing plans, it is possible that some have not. We do not expect this to increase their operating costs, but there may be one-time administrative costs associated with demonstrating these requirements.

Facilities with between two and six anaerobic digesters with between 1,000 and 5,000 gallons of material on-site at any one time would now be required to notify ecology. We assume this would cost

each facility roughly one to three hours of labor at a rate of $51 per hour.

COSTS OF COMPLIANCE: PROFESSIONAL SERVICES: There may be some costs assessed by local health jurisdictions for any facility modifying an existing permit as a result of the rule, but the exact cost is unknown.

We expect the primary cost arising from the new requirements for organic materials preprocessing facilities will be the cost to regularly test preprocessed material every 5,000 cubic yards starting within 18 months of the effective date of the rule amendment. We estimate sampling and testing preprocessed material to cost roughly $80 per test, though the ultimate total cost depends on the volume of organic material managed over time and what proportion of that material will first go through preprocessing. We assume that commercial food waste is the feedstock that is most likely to require preprocessing, less than five percent of pre-consumer food processing waste would not require preprocessing. This amounts to around 568,000 tons in 2025; increasing to 740,000 tons in 2035. It is possible that between 50-100 percent of this material must be preprocessed. This would require roughly 185 to 369 tests per year in 2035. We estimate the present value cost of testing under these assumptions would be between $251 thousand and $501 thousand across all facilities engaged in organics material preprocessing.

To calculate the prospective costs of additional test requirements for finished compost, we assumed that any facility that produced more than 5,000 cubic yards of compost and less than 20,000 cubic yards in that year would need additional tests beginning 18 months after the effective date of the rule amendment, equal to: (20,000 - Amount Produced) ÷ 3. Any permitted facility that produced less than 5,000 cubic yards of compost would require three additional tests, while facilities that produced greater than 20,000 would not require any additional tests. We assumed that the amount of compost produced at each facility in each future year would change by the same rate that the total amount of compost produced in Washington is projected to change. A low-cost scenario assigns growth in finished compost produced from 2023 onwards such that half of the growth is split evenly among all composters while half is allocated proportionally. In this way, low volume composters grow more quickly and would have to test their finished product more frequently under the baseline rule. In the high-cost scenario, we assume that any change in finished compost is handled by new facilities so that existing facilities do not expand at all. These scenarios produce a range of projected costs, discounted at a 0.41 percent real rate over a 20-year time horizon, of $112,852 - $225,604.

COSTS OF COMPLIANCE: ADMINISTRATIVE COSTS: Where applicable, ecology estimates administrative costs (overhead) as part of the cost of labor and professional services, above.

COMPARISON OF COMPLIANCE COST FOR SMALL VERSUS LARGE BUSINESSES: Quantified costs generally pertain to testing requirements for permitted organic materials management facilities. We estimate that all but one of these facilities qualify as small businesses under the definition in the RFA of 50 or fewer employees. We were unable to assign the quantified costs associated with proposed testing requirements for preprocessed organic material from feedstocks with greater than five percent physical contaminants by volume. No permit yet exists, and ecology does not have any data to suggest which, if any, businesses would add preprocessing to a new or existing permit in response to the proposed rule amendment.

Table 1. Costs By Business Size

Averages	Small Businesses	Largest 10% of Businesses
Number of employees	12.9	38.6
Annual cost per employee	$66	$0

We conclude that the proposed rule amendments are likely to have disproportionate impacts on small businesses and, therefore, ecology must include elements in the proposed rule amendments to mitigate this disproportion, as far as is legal and feasible.

MITIGATION OF DISPROPORTIONATE IMPACT: RFA (RCW 19.85.030(2)) states that:

"Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. The agency must consider, without limitation, each of the following methods of reducing the impact of the proposed rule on small businesses:

(a) Reducing, modifying, or eliminating substantive regulatory requirements;

(b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;

(c) Reducing the frequency of inspections;

(d) Delaying compliance timetables;

(e) Reducing or modifying fine schedules for noncompliance; or

(f) Any other mitigation techniques including those suggested by small businesses or small business advocates. If a proposed rule affects only small businesses, the proposing agency must consider all mitigation options defined in this chapter."

We considered all of the above options, and the goals and objectives of the authorizing statutes (see chapter 6). We limited compliance cost-reduction methods to those that:

- Are legal and feasible.
- Meet the goals and objectives of the authorizing statute.

The baseline rule does not include inspection frequency or fine schedules, so these are not feasible to amend within the proposed rule amendment.

Organic materials management facilities are overwhelmingly small businesses as defined by RFA. Any mitigation actions to reduce the costs on small business are designed to either reduce compliance costs for all regulated business, or to reduce regulatory costs to the extent possible for businesses engaged in activities where less stringent requirements would not compromise the goals and objectives of the authorizing statute.

We included the following elements in the proposed rule amendments to reduce costs to small businesses:

- Maintaining a delayed compliance timetable. The existing baseline rule includes a delayed compliance timetable for all new rule requirements, allowing small businesses to adjust to rule changes. The proposed rule maintains that delayed compliance timetable.
- Substantive regulatory requirements are reduced, modified, or eliminated by:

  - Proposing new or expanded permit exemptions that reduce regulatory requirements for some organics management facilities.
  - Standardizing training requirements across all organic management facilities, which reduces regulatory requirements for compost facilities.
- Reporting requirements are simplified or reduced by:
  - Proposing new or expanded permit exemptions that reduce reporting and recordkeeping requirements for some organics management facilities.
  - Revising language for which documentation requires a professional engineer, which we expect to simplify reporting requirements for some facilities.

SMALL BUSINESS AND LOCAL GOVERNMENT CONSULTATION: We involved small businesses and local governments in the development of the proposed rule amendments, using:

- Email announcement of the proposed rule to over 46 local governments and one small business.
- Contacted compost facilities in the central region about the rule making and comment period.
- Three public meetings to present the rule, which were attended by 37 local governments.

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODES OF INDUSTRIES IMPACTED BY THE PROPOSED RULE: The proposed rule amendments likely impact the following industries, with associated NAICS codes. NAICS definitions and industry hierarchies are discussed at https://www.census.gov/naics/.

- 111 Crop Production
- 112 Animal Production and Aquaculture
- 311 Food Manufacturing
- 321 Wood Product Manufacturing
- 322 Paper Manufacturing
- 32531 Fertilizer and Compost Manufacturing
- 444180 Other Building Material Dealers
- 444240 Nursery, Garden Center, and Farm Supply Retailers
- 561730 Landscaping Services
- 5621 Waste Collection
- 5622 Waste Treatment and Disposal
- 611310 Colleges, Universities, and Professional Schools
- 712130 Zoos and Botanical Gardens

CONSIDERATION OF LOST SALES OR REVENUE: IMPACT ON JOBS: We used the REMI E3+ model for Washington state to estimate the impact of the proposed rule amendments on directly affected markets. The model accounts for variables including, but not limited to: Interindustry impacts; price, wage, interstate and international trade, and population or labor market changes; and dynamic adjustment of all economic variables over time. Within the REMI model, we input the net quantified costs and benefits associated with the proposed rule amendment: Organic material preprocessing standards test requirement, revised permit exemptions for notification and dairy digester testing, and revised testing requirements for finished organic products. We run two model simulations: A low net benefit scenario that uses the maximum cost estimate and the minimum benefit estimate, as well as a high net benefit scenario that uses the minimum cost estimate and the maximum benefit estimate. We assign the impact to the "Waste management and remediation

services" industry in REMI, which includes organics management operations and we model the net cost of the proposed rule amendment as a change in production cost.

Table 2 presents the range of expected impacts based on the two model simulations. Expected impacts are in total jobs in the state, in terms of full-time equivalent employment, and a measure of the value of total economic output of the state economy.

Table 2. Annual Impacts on Jobs and Output (in $ Thousands)

Industry	Initial Jobs Impact	Jobs Impact in 20 Years	Initial Output Impact	Output Impact in 20 Years
Whole state	0	0	-7 - +42	-24 - +74
Waste management and remediation services	0	0	-1 - +8	-7 - +17

Simulations in the REMI model only account for the benefits and costs quantified in the analysis. It does not include benefits that we did not quantify, such as improvements to the environment or public health or an increase in demand for finished organic products. It also does not include indirect impacts that we were not able to quantify.

A copy of the statement may be obtained by contacting Chris Fredley, Department of Ecology, Solid Waste Management Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 564-233-1615, Washington relay service or TTY call 711 or 877-833-6341, email organicsrule@ecy.wa.gov, web page https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-350.

June 22, 2026
Heather R. Bartlett
Deputy Director

RDS-7087.3

AMENDATORY SECTION (Amending WSR 18-17-008, filed 8/1/18, effective 9/1/18)

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

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

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

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

(c) Clean wood waste and land clearing debris 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, worm castings, 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((~~.~~))<u>;</u>

(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~~)) <u>Wastewater</u>, the discharge or potential discharge of which is regulated under federal, state<u>,</u> 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~~)) <u>70A.300</u> 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~~)) <u>material</u>—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~~)) <u>according to</u> 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~~)) 70A.305 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, including organic materials at feed manufacturing facilities that use depackaging technology for recovery;

(bb) Management of routine livestock mortalities ((~~when managed in compliance~~)) complying 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, or incineration in a unit with a design capacity of less than 12 tons per day, 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 operations, 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~~)) according to this chapter or chapter 173-303 WAC, Dangerous waste regulations, as applicable; and

(ee) ((~~In accordance with RCW 70.95.207~~)) According to RCW 70A.205.150, an authorized collector of covered drugs regulated under

chapter 69.48 RCW is not required to obtain a permit under RCW ((~~70.95.170~~)) 70A.205.120 unless the authorized collector is required to obtain a permit under RCW ((~~70.95.170~~)) 70A.205.120 as a consequence of activities that are not directly associated with the collection facility's activities under chapter 69.48 RCW.

AMENDATORY SECTION (Amending WSR 18-17-008, filed 8/1/18, effective 9/1/18)

WAC 173-350-025 ((~~Owner~~)) Responsibilities for solid waste management, storage, and transportation. (1) The owner, operator, ((~~or~~)) and occupant of any premises, business establishment, or industry is responsible for ((~~the satisfactory and legal arrangement for the solid waste handling of all~~)) management of solid waste generated or accumulated ((~~by them~~)) on the property. This responsibility includes:

(a) Safe and sanitary handling and storage on-site;

(b) Arranging for legal management of the waste;

(c) Ensuring that where there is a container to collect recyclable materials, there is a separate container for waste to be disposed;

(d) Ensuring recyclable material containers clearly identify acceptable materials; and

(e) If either (c) or (d) of this subsection is not met, then the waste in the recyclable material container is municipal solid waste and must be managed at a permitted municipal solid waste handling facility.

(2) The owner, operator, and occupant of any premises, business establishment, or industry must store solid waste in containers that meet the following requirements:

(a) Disposable containers must be sufficiently strong to allow lifting without breakage and must be 32 gallons or less where manual handling is practiced;

(b) Reusable containers, except for detachable containers, must be:

(i) Rigid and durable;

(ii) Corrosion resistant;

(iii) Nonabsorbent and water tight;

(iv) Rodent-proof and easily cleanable;

(v) Equipped with a close-fitting cover;

(vi) Suitable for handling with no sharp edges or other hazardous conditions; and

(vii) Equal to or less than 32 gallons where manual handling is practiced;

(c) Detachable containers must be durable, corrosion-resistant, nonabsorbent, nonleaking, and have either a solid cover or screen cover to prevent littering.

(3) Any person that provides a reusable or detachable container with a volume of at least one cubic yard to collect recyclable materials at sites of solid waste generation must:

(a) Identify recyclable materials accepted by providing a clear and conspicuous label on the container, providing clear and conspicuous signage, or other effective means; and

(b) If at a temporary project site, inform persons responsible that a second container for waste to be disposed must also be placed. The container for waste to be disposed at a temporary job site must be located in close proximity to the container for recyclable materials

and must be of adequate size to collect the volume of waste destined for disposal.

(c) If the requirements of this subsection are not met, the waste in the recyclable materials container is municipal solid waste and must be managed at a permitted municipal solid waste handling facility.

(4) Collection and transportation standards.

(a) Any person collecting or transporting solid waste must avoid littering at the loading point, during transport, and during unloading of the solid waste.

(b) Vehicles or containers used for the collection and transportation of solid waste must be tightly covered or screened where littering may occur, durable, and of easily cleanable construction. Where municipal solid waste or putrescible waste is being collected or transported, containers must be cleaned as necessary to prevent nuisance odors and insect breeding and must be maintained in good repair.

(c) Vehicles or containers used for the collection and transportation of any solid waste must be loaded and moved in a manner that the containers will not fail, and the contents will not spill or leak. Where such spillage or leakage does occur, the waste must be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

(d) Any person commercially collecting or transporting solid waste must inspect collection and transportation vehicles at least monthly. Inspection records must be maintained at the facility normally used to park vehicles or other location where maintenance records are kept. Records must be kept for a period of at least two years and be made available upon the request of the jurisdictional health department.

(e) Any person collecting or transporting solid waste is responsible for legal management of the waste by ensuring delivery only to solid waste handling facilities that have approval by oversight agencies to manage the waste types delivered and such persons must adhere to any waste acceptance restrictions. A solid waste handling facility may reject a load and takes no ownership of a rejected load if it finds within the load waste that is prohibited under regulation, permit conditions, or facility acceptance policies.

AMENDATORY SECTION (Amending WSR 18-17-008, filed 8/1/18, effective 9/1/18)

WAC 173-350-100 Definitions. When used in this chapter, the following terms have the meanings ((~~given below.~~)) as follows:

"Active area" means that portion of a facility where solid waste recycling, reuse, treatment, storage, or disposal operations are being, are proposed to be, or have been conducted. Setbacks must not be considered part of the active area of a facility.

"Active life" means the period beginning with the initial receipt of solid waste and ending at completion of closure activities ((~~in accordance with~~)) according to a facility's permit requirements.

"Aerobic decomposition" means decomposition of organic materials primarily by aerobic microbes under controlled conditions.

"Agricultural composting" means composting of agricultural waste as an integral component of a system designed to improve soil health

and recycle agricultural wastes. Agricultural composting is conducted on lands used for farming.

"Agricultural wastes" means wastes from farms ((~~resulting from the raising or growing of plants and animals~~)) including, but not limited to, crop residue, livestock manure, animal bedding, and ((~~carcasses of dead animals~~)) routine livestock mortalities. Agricultural wastes do not include food processing wastes, meat processing waste, or emergency animal mortalities.

"Agronomic rates" means the application rate that will provide the amount of nitrogen or other critical nutrient required for optimal growth of vegetation, and that will not result in the violation of applicable standards or requirements for the protection of ground or surface water as established under chapter 90.48 RCW, Water pollution control, and related rules including chapter 173-200 WAC, Water quality standards for groundwaters of the state of Washington, and chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington.

"Air quality standard" means a standard set for maximum allowable contamination in ambient air as authorized in chapter ((~~70.94~~)) 70A.15 RCW, Washington Clean Air Act.

"All-weather surface" means a road surface over which emergency vehicles and typical passenger vehicles can pass in all types of weather.

"Anaerobic digester" means a vessel that processes organic material including liquid waste from organic material into biogas and digestate through microbial decomposition under anaerobic (low oxygen) conditions.

"Asphaltic materials" means material produced from a mixture of petroleum asphalt and mineral aggregate and used for the construction of roads, sidewalks and similar purposes. Roofing materials containing asphalt are not considered to be asphaltic materials.

"Below ground tank" means a device meeting the definition of "tank" in this chapter where a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface of the tank that is in the ground.

"Beneficial use" means the use of solid waste as an effective substitute for natural or commercial products, or as a soil amendment, in a manner that does not pose a threat to human health or the environment when approved ((~~in accordance with~~)) according to section WAC 173-350-200 or 173-350-230 of this chapter. Use of solid waste as fill, or avoidance of processing or disposal cost alone, does not constitute beneficial use.

"Biofilter" means a bed or layer of material that supports beneficial microorganisms, typically a mixture of compost and wood chips, designed to filter and treat air emissions. A biofilter adsorbs and then biologically degrades odorous compounds.

"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all applicable requirements under chapter 173-308 WAC, Biosolids management. Biosolids includes a material derived from biosolids and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under chapter 173-308 WAC, Biosolids management.

"Buffer" means a permanently vegetated strip adjacent to a land application area((~~,~~)). The purpose of ((~~which~~)) a buffer is to filter

runoff or overspray from the application area and protect an adjacent area.

"Bulking agent" means ((~~an ingredient~~)) a feedstock used to improve structure and porosity, ((~~or to~~)) provide carbon to achieve a targeted carbon to nitrogen ratio, or lower moisture content, primarily in composting. Bulking agents improve convective air flow and reduce settling and compaction. Bulking agents may include, but are not limited to, wood waste, straw, and other high-carbon materials.

"Cab card" means a license carried in a vehicle that authorizes that vehicle's driver to legally pick up waste tires and haul to a permitted, licensed facility or an exempt facility for deposit.

"Captive insurance companies" means companies that are wholly owned subsidiaries controlled by the parent company and established to insure the parent company or its other subsidiaries.

"Cementitious material" means a material other than cured concrete containing Portland cement, fly ash, cement kiln dust, bottom ash, or other cement-like materials, used to add rigidity to soils during construction projects such as temporary retaining walls and shaft construction, or generated from construction or road maintenance projects. Cementitious materials include, but are not limited to, jet grout, controlled low strength material (CLSM), flowable fill, low density fill, k-crete, shotcrete, concrete washout, concrete road grindings, and dewatered drilling slurries containing cementitious materials.

"Channel migration zone" means the lateral extent of likely movement of a stream or river channel along a stream reach.

"Clean dredged material" means dredged material that does not contain contaminants from a release. It also includes dredged material that contains one or more contaminants from a release and when moved from one location to another for placement on or into the ground:

(a) Does not contain contaminants at concentrations that exceed a cleanup level under chapter 173-340 WAC, Model Toxics Control Act((—))Cleanup Regulations, that would be established for existing land use at the location where dredged material is placed; or

(b) Contains contaminants that affect pH, but pH of the dredged material is between 4.5 and 9.5 or within natural background pH limits that exist at the location where dredged material is placed.

"Clean soil" means soil that does not contain contaminants from a release. It also includes soil that contains one or more contaminants from a release and when moved from one location to another for placement on or into the ground:

(a) Does not contain contaminants at concentrations that exceed a cleanup level under chapter 173-340 WAC, Model Toxics Control Act((—))Cleanup Regulations, that would be established for existing land use at the location where soil is placed; or

(b) Contains contaminants that affect pH, but pH of the soil is between 4.5 and 9.5 or within natural background pH limits that exist at the location where soil is placed.

Examples of potentially clean soil may include, but are not limited to, soil from undeveloped lands unlikely to have impacts from release of contaminants associated with area-wide or local industrial or historical activities. This includes similar soils over which development may have occurred but land use is unlikely to have led to a release, such as use for residential housing, or over which development provided protection from impacts from a release, such as coverage by pavement. Soil with substances from natural background conditions, as

natural background is defined in WAC 173-350-100, is clean soil under this section.

"Clean wood waste" means wood pieces or particles determined to be solid waste per WAC 173-350-021 generated from construction, demolition, handling and storage of raw materials, whole trees including their attached branches and leaves, stumps, tree prunings greater than four inches in diameter, and manufacturing of wood products. This may include, but is not limited to, sawdust, chips, shavings, bark, pulp, and log sort yard waste, but does not include wood pieces or particles containing paint, laminates, bonding agents, or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate. Clean wood waste does not include unsorted land clearing debris, brush, or yard debris.

"Closure" means those actions taken by the owner or operator of a solid waste handling facility to cease disposal operations or other solid waste handling activities, to ensure that all facilities are closed in conformance with applicable regulations at the time of closure, and to prepare the site for the post-closure period if applicable.

"Closure plan" means a written plan developed by an owner or operator of a facility detailing how a facility is to close at the end of its active life.

"Collection event" means a one-time or recurrent designation of a site and areas within that site used by an operator to collect MRW from the public and to store the MRW for less than ((~~forty-eight~~)) 48 hours.

"Commingled recyclable materials" means a mixture of several types of recyclable materials in one load or container, such as aluminum cans, paper, plastic, and cardboard in one container, or wood, concrete, and metal in one load.

"Commodity" means a material that meets widely recognized standards and specifications, such as those from ASTM International or the Institute of Scrap Recycling Industries, Inc., (for example, commodity-grade scrap metal) that is mutually interchangeable with other materials meeting the same specifications, and that has well-established markets.

"Composted material" means organic solid waste that has undergone biological degradation and transformation under controlled conditions designed to promote aerobic decomposition at a solid waste facility in compliance with the requirements of this chapter. Composting is a form of organic material recycling. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

"Composting" means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

"Conditionally exempt small quantity generator (CESQG)" means a dangerous waste generator whose dangerous wastes are conditionally exempt from regulation under chapter ((~~70.105~~)) 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)~~)).

"Conditionally exempt small quantity generator (CESQG) waste" means dangerous waste generated by a conditionally exempt small quantity generator.

"Container" means a portable device used for the collection, storage, and/or transportation of solid waste including, but not limi-

ted to, reusable containers, disposable containers, and detachable containers.

"Contaminant" means any chemical, physical, biological, or radiological substance that does not occur naturally in the environment or that occurs at concentrations greater than natural background levels.

"Contaminate" means the release of solid waste, leachate, or gases emitted by solid waste, so that contaminants enter the environment at concentrations that pose a threat to human health or the environment, or cause a violation of any applicable environmental regulation.

"Contaminated dredged material" means dredged material containing one or more contaminants from a release and when moved from one location to another for placement on or into the ground:

(a) Contains contaminants at concentrations that exceed a cleanup level under chapter 173-340 WAC, Model Toxics Control Act((—))Cleanup Regulations, that would be established for existing land use at the location where dredged material is placed; or

(b) Contains contaminants that affect pH, and pH of the dredged material is below 4.5 or above 9.5 or is not within natural background pH limits that exist at the location where dredged material is placed.

Contaminated dredged material is solid waste and must be managed at a solid waste handling facility in conformance with this chapter or chapter 173-351 WAC, Criteria for municipal solid waste landfills. Characterization of material may be required based on solid waste facility acceptance standards. An example of a potentially contaminated dredged material may include, but is not limited to, dredged material from surface waters containing contaminants from a release.

"Contaminated soil" means soil containing one or more contaminants from a release and when moved from one location to another for placement on or into the ground:

(a) Contains contaminants at concentrations that exceed a cleanup level under chapter 173-340 WAC, Model Toxics Control Act((—))Cleanup Regulations, that would be established for existing land use at the location where soil is placed; or

(b) Contains contaminants that affect pH, and pH of the soil is below 4.5 or above 9.5 or is not within natural background pH limits that exist at the location where soil is placed.

Unless excluded in WAC 173-350-020, contaminated soil is solid waste and must be managed at a solid waste handling facility in conformance with this chapter or chapter 173-351 WAC, Criteria for municipal solid waste landfills. Characterization of material may be required based on solid waste facility acceptance standards. Examples of potentially contaminated soil may include, but are not limited to, street waste, petroleum contaminated soil, engineered soil, and soil likely to have contaminants from a release associated with industrial or historical activities.

"Controlled conditions" means the conditions in which facilities must be operated to meet the performance standards of WAC 173-350-040 and the applicable handling standards of this chapter. These may include, but are not limited to, controlling odors, run-on and runoff, moisture levels, pH levels, carbon to nitrogen ratios, temperatures, oxygen levels, particle sizes, and free air space.

"Corrosion expert" means a person certified by the National Association of Corrosion Engineers (NACE) or a registered professional engineer who has certification or licensing that includes education and experience in corrosion control.

"Crop residues" means vegetative material left over from farms from harvesting crops, including ((~~left over~~)) pieces or whole fruits or vegetables, crop leaves and stems, and unprocessed produce from storage facilities. For the purposes of this rule, crop residues includes solid or semisolid waste such as, but not limited to, wash dirt and organic material from the washing or trimming of raw agricultural products and preparation or packaging for sale when generated on-farm. Crop residue does not include food processing waste.

"Cured concrete" means concrete which has been produced from design mixtures specified to produce a ((~~twenty-eight~~)) 28-day unconfined compressive strength of no less than ((~~twelve hundred~~)) 1,200 pounds per square inch and allowed to harden. Off-specification concrete which does not achieve this minimum strength value may be evaluated for consideration as a cured concrete by the solid waste permitting agency on a case-by-case basis. Cured concrete may also contain embedded steel, wood, or plastic materials used in the reinforcement or tensioning of concrete structural elements. For the purposes of solid waste handling under this chapter, other cementitious materials are not considered to be cured concrete.

"Dangerous wastes" means any solid waste designated as dangerous waste by the department under chapter 173-303 WAC, Dangerous waste regulations.

"De minimis" means present in an amount as to have negligible effect on the look, characteristics, use, or impact to human health or the environment of a material. The presence of man-made materials such as, but not limited to, paper, plastic, metal, and demolition debris that can reasonably be removed or that may become a litter problem is not de minimis.

"Department" means the Washington state department of ecology.

"Detachable containers" means reusable containers that are mechanically loaded or handled, such as a dumpster or drop box.

"Digestate" means both solid and liquid substances that remain following anaerobic digestion of organic material in an anaerobic digester.

"Disposable containers" means containers that are normally used once to handle solid waste, such as plastic bags, cardboard boxes and paper bags.

"Disposal" or **"deposition"** means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.

"Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together with industrial waste that may be present.

"Dredged material" means material excavated or dredged from below the ordinary high water mark of surface water. Material removed from a stormwater management device such as, but not limited to, a catch basin, is not dredged material.

"Drop box facility" means a facility used for the placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. Drop box facilities receive waste from off-site, require waste placement directly into a container and not a tip floor, and serve the general public.

"Emergency animal mortalities" means livestock carcasses such as, but not limited to, cattle, horses, poultry, and farm-raised fish, wildlife mortalities, or other animal mortalities that died due to disaster or from contagious, infectious, or communicable disease that

is affecting or may affect the health of the state's animal population. Emergency animal mortalities also include carcasses from culling to control the spread of such disease when managed under the oversight and authority of the Washington state department of agriculture and the state veterinarian in emergency situations.

"Energy recovery" means a process operating under 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 involves high temperature (above ((~~twelve hundred~~)) 1,200 degrees Fahrenheit).

"Engineered features" are constructed elements associated with meeting applicable standards under this chapter. Engineered features may include, but are not limited to, tip 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 systems; stormwater management features including run-on prevention and runoff 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.

"Engineered soil" means soil that has been altered by the addition of man-made materials used to adjust soil engineering properties for construction projects, such as to alter shear strength or hydraulic conductivity of soil. Engineered soil includes, but is not limited to, soil with cementitious materials. Cured concrete and asphalt are not engineered soil.

"Existing facility" means a facility with one or more solid waste handling units in operation, or for which facility construction has begun, on or before the effective dates in this chapter associated with each solid waste handling unit, and the owner or operator has met terms and conditions for permit exemption or obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances.

"Facility" means all contiguous land (including buffers and setbacks) and structures, other appurtenances, and improvements on the land used for solid waste handling.

"Facility construction" means the continuous on-site physical act of constructing solid waste handling unit(s) or when the owner or operator of a facility has entered into contractual obligations for physical construction of the facility that cannot be canceled or modified without substantial financial loss.

"Facility structures" means constructed infrastructure such as buildings, sheds, utility lines, and piping on the facility.

"Farm" means land used for the raising, growing, or caring of plants and animals for agricultural production. For the purposes of this rule, farm also includes land used for animal husbandry and aquatic systems for the raising of fish or shellfish.

"Feedstock" means a source-separated waste material used as a component of composting or other recycling system, manufacturing, or as part of an industrial process.

"Food processing waste" means ((~~a source-separated~~)) organic material that ((~~is~~)) will not be used for human or animal consumption generated during the processing of food by a ((~~food processing~~)) facility licensed ((~~to process food~~)) by the United States Department of

Agriculture, the United States Food and Drug Administration, the Washington state department of agriculture, or other applicable regulatory agency. Food processing wastes may include, but are not limited to, sludge from food processing water treatment plants, culls, DAF (dissolved air flotation) from a food processing facility, pomace, and paunch manure((~~, not intended for animal or human consumption~~)).

"**Food waste**" means waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, and similar materials that results from the storage, preparation, cooking, handling, selling, or serving of food for human consumption. Food waste includes, but is not limited to, excess, spoiled, or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food waste includes food processing waste and meat processing waste. Food waste does not include dead animals not intended for human consumption or animal excrement.

"**Garbage**" means putrescible solid wastes.

"**Glass**" means a noncrystalline amorphous solid material of a chemical composition which is in the categories of soda-lime glass or borosilicate glass. This includes flat glass, container glass, tempered soda-lime glass, and glass-ceramics. Other noncrystalline amorphous solid materials, including lead glass, specialty glasses containing toxic constituents at concentrations greater than those typically found in soda-lime or borosilicate glasses, and soda-lime or borosilicate glass which has been tainted through exposure to chemical, physical, biological, or radiological substances are not considered to be glass for the purposes of this chapter.

"**Groundwater**" means that part of the subsurface water that is in the zone of saturation.

"**Holocene fault**" means a plane along which earthen material on one side has been displaced with respect to that on the other side and has occurred in the most recent epoch of the Quaternary period extending from the end of the Pleistocene to the present.

"**Home composting**" means composting of on-site generated wastes, and incidental materials beneficial to the composting process, by the owner or person in control of a single-family residence, or for a dwelling that houses two to five families, such as a duplex or clustered dwellings.

"**Household hazardous waste**" means any waste that exhibits any of the properties of dangerous wastes but is exempt from regulation under chapter ((~~70.105~~)) 70A.300 RCW, Hazardous waste management, solely because the waste is generated by households. Household hazardous waste can also include other solid waste identified in the local hazardous waste management plan prepared pursuant to chapter ((~~70.105~~)) 70A.300 RCW, Hazardous waste management.

"**Hydrostratigraphic unit**" means any water-bearing geologic unit or units hydraulically connected or grouped together on the basis of similar hydraulic conductivity which can be reasonably monitored; several geologic formations or part of a geologic formation may be grouped into a single hydrostratigraphic unit; perched sand lenses may be considered a hydrostratigraphic unit or part of a hydrostratigraphic unit, for example.

"**Incineration**" means a process of reducing the volume of solid wastes operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

"**Incompatible waste**" means a waste that is unsuitable for mixing with another waste or material because the mixture might produce ex-

cessive heat or pressure, fire or explosion, violent reaction, toxic dust, fumes, mists, or gases, or flammable fumes or gases.

"Indoor storage" means a structure with a roof and walls that protect solid waste from precipitation.

"Industrial solid wastes" means solid waste generated from manufacturing operations, food processing, or other industrial processes.

"Industrial wastewater facility" means all structures, equipment, or processes required to collect, convey, treat, reclaim, or dispose of industrial wastewater.

"Inert waste" means waste that is allowed to be received at an inert waste landfill as described in WAC 173-350-410.

"Intermodal facility" means any facility operated for the purpose of transporting closed containers of waste, when the containers are not opened for further treatment, processing or consolidation of the waste.

"Jurisdictional health department" means city, county, city-county or district public health department.

"Land application site" means an area or areas of land under the same ownership or operational control on which solid wastes are beneficially used through application at an agronomic rate, as a soil amendment, or for land reclamation.

"Land clearing debris" means trees, shrubs, leaves, and plant undergrowth generated during the clearing of vegetation. Unsorted land clearing debris is distinct from clean wood waste because it contains nonwoody materials.

"Land reclamation" means using solid waste to restore disturbed lands including, but not limited to, construction sites and surface mines. Using solid waste as a component of fill is not land reclamation.

"Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land including facilities that use solid waste as a component of fill.

"Leachate" means water or other liquid within a solid waste handling unit that has been in contact with solid waste or has been contaminated due to contact with landfill gas.

"Limited moderate risk waste" means waste batteries, waste oil, and waste antifreeze generated from households.

"Limited moderate risk waste facility" means a facility that collects, stores, and consolidates only limited moderate risk waste. Limited moderate risk waste facility does not include retailers and distributors operating as product take-back centers.

"Limited purpose landfill" means a landfill that is not an inert waste landfill and receives or has received only solid wastes designated as nonhazardous and are not municipal solid wastes. Limited purpose landfills include, but are not limited to, landfills that receive or have received segregated industrial solid waste, construction, demolition and land clearing debris, 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 173-306 WAC, Special incinerator ash management standards, landfills 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.

"Liquid" means a substance that flows readily and assumes the form of its container but retains its independent volume.

"Liquid waste" means any solid waste deemed to contain free liquids as determined by the Paint Filter Liquids Test, Method 9095, in "*Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,*" EPA Publication SW-846. Liquid waste subject to this chapter include liquids associated with a solid waste handling activity such as, but not limited to, landfill or compost leachate, liquid digestate, moderate risk waste that is liquid, and solid waste that has been liquefied such as, but not limited to, mixed manure and wash water being anaerobically digested.

"Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete or asphalt, or unconsolidated earth materials, soil or regolith lying at or near the earth's surface.

"Local fire control agency" means a public or private agency or corporation providing fire protection such as a local fire department, the department of natural resources or the United States Forest Service.

"Lower explosive limit" means the lowest percentage by volume of a mixture of explosive gases that will propagate a flame in air at ((~~twenty-five~~)) 25 degrees centigrade and atmospheric pressure.

"Low-grade wood waste" means wood pieces or particles acceptable for use as a fuel for boilers or energy recovery, which contain paint, bonding agents, or creosote. Low-grade wood waste does not include wood pieces or particles coated with paint that contains lead or mercury, or wood treated with other chemical preservatives such as pentachlorophenol, copper naphthenate, or copper-chrome-arsenate.

"Manufactured organics" means source separated solid wastes, such as nonplastic coated paper plates, cups, compostable bags, and other items designed to decompose through composting, anaerobic digestion, or through other organic materials recycling processes. Manufactured organics do not include physical contaminants such as plastics and coated paper products that will not readily decompose under typical composting conditions, or low-grade wood ((~~derived fuel~~)) waste or clean wood waste as defined in this chapter.

"Manufactured topsoil" means soil or dredged material mixed with materials that improve the quality of the soil or dredged material for establishing vegetation and/or for water quality treatment purposes. If used as fill, material is not manufactured topsoil. Manufactured topsoil containing solid waste such as, but not limited to, yard debris, laminate, plastic, or asphalt shingles, not otherwise excluded from this chapter, is subject to management under this chapter.

"Manure and bedding" means manure (feces and urine) and bedding from livestock and zoo animals including, but not limited to, horses, cows, ((~~chickens~~)) poultry, sheep, ((~~and~~)) goats, fish, and shellfish and ((~~includes wash water from cleanup of such manure and bedding~~)) associated wash water from livestock facilities.

"Material recovery facility" means any facility that receives, compacts, repackages, or sorts source separated solid waste for the purpose of recycling.

"Meat processing waste" means organs, skins, bones, blood, fat, meat, and other animal parts from the slaughter, butchering, and other processing of animals. Meat processing waste is a subset of food pro-

cessing waste. Meat processing waste may not contain specified risk material as regulated by United States Department of Agriculture.

"Mobile systems" means activities using a vehicle (such as a truck or trailer) to collect moderate risk waste from the public prior to transporting the material to an MRW facility, collection event, or permitted hazardous waste facility.

"Moderate risk waste (MRW)" means solid waste that is limited to conditionally exempt small quantity generator (CESQG) waste and household hazardous waste (HHW) as defined in this chapter.

"MRW facility" means a solid waste handling unit that is used to collect, treat, recycle, exchange, store, consolidate, and/or transfer moderate risk waste. This does not include mobile systems, collection events, limited MRW facilities, or product take-back centers that meet the applicable terms and conditions of WAC 173-350-360(2).

"Mulch" means a material used for ornamental purposes, weed suppression, and/or moisture holding properties in landscaping and agriculture. Mulch may be made from materials such as plastic sheeting, straw, compost, or clean wood waste. Organic waste materials other than clean wood waste must undergo a transformative organic material management process such as anaerobic digestion or composting under this chapter and pass all testing requirements under the applicable section prior to distribution as mulch.

"Municipal solid waste (MSW)" means a subset of solid waste which includes unsegregated garbage, refuse and similar solid waste material discarded from residential, commercial, institutional and industrial sources and community activities, including residue after recyclables have been separated. Solid waste that has been segregated by source and characteristic may qualify for management as a non-MSW solid waste, at a facility designed and operated to address the waste's characteristics and potential environmental impacts. The term MSW does not include:

(a) Dangerous wastes other than wastes excluded from the requirements of chapter 173-303 WAC, Dangerous waste regulations, in WAC 173-303-071 such as household hazardous wastes;

(b) Any solid waste, including contaminated soil and debris, resulting from response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601), chapter ((~~70.105D~~)) 70A.305 RCW, Hazardous waste cleanup—Model Toxics Control Act, chapter 173-340 WAC, Model Toxics Control Act((—))Cleanup Regulations, or a remedial action taken under those statutes and rules; nor

(c) Mixed or segregated recyclable material that has been source-separated from garbage, refuse and similar solid waste. The residual from source separated recyclables is MSW.

"Natural background" means the concentration of chemical, physical, biological, or radiological substances consistently present in the environment that has not been influenced by regional or localized human activities. Metals at concentrations naturally occurring in bedrock, sediments and soils due solely to the geologic processes that formed the materials are natural background. In addition, low concentrations of other persistent substances due solely to the global use or formation of these substances are natural background.

"New solid waste handling unit" means a solid waste handling unit that begins operation or construction after effective dates in this chapter associated with each solid waste handling unit, and an existing solid waste handling unit that begins significant modifications

after the effective dates in this chapter associated with each solid waste handling unit.

"Nuisance odor" means any odor which is offensive or may unreasonably interfere with any person's health, comfort, or enjoyment beyond the property boundary of a facility.

"On-farm" means activities taking place on ((~~any agricultural~~)) a farm and on land under the control of the same entity including parcels that are not geographically contiguous but managed by the same entity for ((~~agricultural production~~)) farming.

((**~~"On-farm vegetative waste"~~** ~~means plant-based wastes produced on-farm from raising, growing, or processing plants and animals.~~))

"One hundred-year flood plain" means any land area that is subject to one percent or greater chance of flooding in any given year from any source.

"Open burning" means the burning of solid waste materials in an open fire or an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

"Organic feedstocks" means source separated organic materials, including bulking agents, suitable for ((~~vermicomposting~~)) vermiculture, composting, anaerobic digestion, and other processes that transform organic materials into usable or marketable materials.

"Organic materials" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation. Organic materials include, but are not limited to, manure, yard debris, food waste, food processing wastes, clean wood waste, and garden wastes. Organic materials do not include any materials contaminated by herbicides, pesticides, pests, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for general public or agricultural use.

"Organic materials management" means management of organic materials through composting, anaerobic digestion, vermiculture, black soldier fly production, or similar technologies.

"Organic materials pre-processing" means the processing of source separated solid waste to remove physical contaminants and packaging prior to organic materials management.

"Other conversion technologies" means processes that transform organic feedstocks into useable or marketable materials((~~, but does not include~~)) through processes other than composting, ((~~vermicomposting~~)) vermiculture, black soldier fly production, or anaerobic digestion.

"Overburden" means the earth, rock, soil, and topsoil that lie above mineral deposits.

"Permit" means an authorization issued by the jurisdictional health department that allows a person to perform solid waste activities at a specific location and includes specific conditions for facility operations.

"Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

"Petroleum contaminated soil" means soil that contains petroleum materials from a release more substantial than releases expected during routine operations of vehicles. Releases may include, but are not limited to, releases from leaking storage tanks or vehicular accidents. Petroleum materials include, but are not limited to, gasoline, diesel fuel, and fuel oil.

"Physical contaminants" as they relate to incoming feedstocks ((~~and compost quality~~)) means inorganic and organic constituents that are either not accepted by the receiving facility, not recyclable in the system, or not readily decomposed during the ((~~composting~~)) organic materials management process including, but not limited to, packaging, plastics, glass, textiles, rubber, leather, metal, ceramics, polystyrene, and wood pieces containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

"Pile" means the temporary storage or treatment of any noncontainerized accumulation of solid waste. Storage of materials in a pile with no end use or destination is disposal and not temporary pile storage.

"Plan of operation" means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life.

"Point of compliance" means a location at which a monitored parameter can be measured and evaluated for compliance with established standards or permit conditions. For groundwater compliance monitoring, the point of compliance will be located as near to the downgradient edge of the solid waste handling activity as technically, hydrogeologically and geographically feasible. Other points of compliance in other media may be established by the solid waste permitting agency for solid waste handling facilities permitted under this chapter.

"Post-closure care" means those actions taken by an owner or operator of a limited purpose landfill after closure, and until the landfill is determined by the solid waste permitting authority to be functionally stable.

"Post-closure plan" means a written plan developed by an owner or operator of a facility detailing how a facility is to meet the post-closure requirements for the facility.

((~~**"Post-consumer food waste"** means source separated organic materials originally intended for human consumption including, but not limited to, vegetables, fruits, grains, meats and dairy products resulting from serving food. Post-consumer food waste is typically collected from cafeterias, homes, and restaurants.~~

~~**"Preconsumer animal-based wastes"** means source separated organic materials from animals such as meat, fat, dairy, or eggs that are a result of food preparation for human consumption or are products that did not reach the intended consumer. Preconsumer animal-based wastes are typically collected from food processing facilities and grocery stores.~~))

"Pre-consumer vegetative food waste" means source separated organic materials from vegetables, such as pits, peels, and pomace from human food preparation, or vegetable products that did not reach the consumer. Pre-consumer vegetative food wastes are typically collected from food processing facilities and grocery stores.

"Premises" means a tract or parcel of land with or without habitable buildings.

"Private facility" means a privately owned facility maintained on private property solely for the purpose of managing waste generated by the entity owning the site.

"Processing" means an operation to convert a material into a useful product or to prepare it for reuse, recycling, or disposal.

"Processing capacity" means the amount of incoming materials in tons ((~~or~~)), cubic yards, or gallons that a solid waste facility can process in a given amount of time, such as a month or a calendar year.

Processing capacity is identified by the conditions of exemption, the permit, or the plan of operations as approved by the jurisdictional health department or the department.

"Product take-back center" means a retail outlet or distributor that accepts household hazardous waste of comparable types as the products offered for sale or distributed at that outlet.

"Public facility" means a publicly or privately owned facility that accepts solid waste generated by other persons, or a publicly owned facility maintained on publicly owned property solely for the purpose of managing waste generated by the public entity owning the facility.

"Putrescible waste" means solid waste which contains material capable of being readily decomposed by microorganisms and which is likely to produce offensive odors.

"Recyclable materials" means those solid wastes that are separated for recycling or reuse((~~,~~)) including, but not limited to, papers, metals, concrete, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan.

"Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. Recycling includes processing waste materials to produce tangible commodities.

"Release" means any intentional or unintentional entry of a contaminant into the environment at more than de minimis amounts and includes, but is not limited to, spilling, leaking, pouring, emitting, emptying, discharging, adding, applying, amending, injecting, pumping, escaping, leaching, dumping, or disposing of any contaminant.

"Representative sample" means a sample that can be expected to exhibit the average properties of the sample source.

"Reusable containers" means containers that are used more than once to handle solid waste, such as garbage ((~~cans~~)) bins.

"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.

"Routine livestock mortalities" means the carcasses of livestock animals such as, but not limited to, cattle, horses, poultry, fish, and shellfish, including animals that died of injury, disease, euthanasia, unknown, or other cause, but not considered emergency animal mortalities or meat processing waste.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of the facility.

"Run-on" means any rainwater or other liquid that drains over land onto any part of a facility.

"Scavenging" means the removal of materials at a facility, without the approval of the owner or operator and the jurisdictional health department.

"Seismic impact zone" means an area with a ((~~ten~~)) 10 percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in ((~~two hundred fifty~~)) 250 years.

"Septage" or **"domestic septage"** means a liquid or solid material removed from septic tanks, cesspools, portable toilets, type III marine sanitation devices, vault toilets, pit toilets, RV holding tanks, or similar systems that receive only domestic sewage. Septage may also

include commercial or industrial septage mixed with domestic septage if approved ((~~in accordance with~~)) according to the provisions in WAC 173-308-020 (3)(g).

"Setback" means that part of a facility that lies between the active area and the property boundary.

"Sewage sludge" means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

"Site capacity" means the maximum amount of all material that can be contained on-site at any one time. Site capacity is identified by the conditions of exemption, the permit, or the plan of operations as approved by the jurisdictional health department or the department. All materials include, but are not limited to, incoming waste, feedstocks, bulking agents, stockpiled wastes, active composting, curing piles, composted materials, and sorted recyclable materials on-site.

"Soil" means material overlying bedrock consisting primarily of clay, silt, sand, or gravel size particles, and soil biota, that may contain de minimis amounts of other solid materials, such as incidental pieces of concrete or wood. Soil does not include dredged material. Cured concrete and asphalt are not soil.

"Soil amendment" means any ((~~substance~~)) waste material that is intended to improve the physical characteristics of soil((~~, except~~)). Products such as composted material, commercial fertilizers, and agricultural liming agents((~~, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department~~)) are not regulated as soil amendments, nor are materials excluded from this rule, such as biosolids as defined in chapter ((~~70.95J RCW, Municipal sewage sludge - Biosolids, and wastewater, as regulated in chapter 90.48 RCW, Water pollution control~~)) 70A.226 RCW. Soil amendments may be land applied under a beneficial use determination per WAC 173-350-200 or a land application permit under WAC 173-350-230.

"Solid waste," "waste materials," or **"wastes"** means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, 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 solid waste.

"Solid waste handling" means the management, storage, collection, transportation, treatment, use, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from wastes or the conversion of the energy in wastes to more useful forms or combinations thereof.

"Solid waste handling unit" means discrete areas of land, sealed surfaces, liner systems, excavations, facility structures, or other appurtenances within a facility used for solid waste handling.

"Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

"Specified risk material" means the skull, brain, trigeminal ganglia (nerves attached to brain and close to the skull exterior), eyes,

spinal cord, distal ileum (a part of the small intestine), and the dorsal root ganglia (nerves attached to the spinal cord and close to the vertebral column) of cattle aged ((~~thirty~~)) 30 months or older.

"Storage" means the holding of solid waste materials for a temporary period.

"Street waste" means solid or dewatered materials collected from stormwater catch basins and similar stormwater treatment and conveyance structures, and materials collected during street and parking lot sweeping.

"Surface impoundment" means a facility or part of a facility designed to contain an accumulation of liquids or sludges, and whose structural support is provided primarily by earthen materials. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells or infiltration basins.

"Surface water" means all lakes, rivers, ponds, wetlands, streams, inland waters, salt waters and all other surface water and surface water courses within the jurisdiction of the state of Washington.

"Tank" means a facility or part of a facility designed to contain an accumulation of liquids or sludges, and designed and constructed of materials with sufficient strength so that its walls can be self-supporting.

"Tip floor" or **"tipping floor"** means the receiving area for incoming waste at ((~~a~~)) facilities such as, but not limited to, transfer stations, material recovery ((~~facility, or recycling facility where vehicles unload waste materials prior to processing or consolidation for transport~~)) facilities, recycling facilities, organic materials pre-processing facilities, or organic materials management facilities. A container into which waste is directly deposited, such as a drop box, is not a tipping floor.

"Transfer station" means a facility that receives solid waste (e.g., municipal solid waste, contaminated soil, or other solid wastes) from off-site from persons or route collection vehicles for consolidation into transfer vehicles, vessels, or containers for transport to a solid waste handling facility.

"Treatment" means the physical, chemical, or biological processing of solid waste to make solid wastes safer for storage or disposal, amenable for recycling or energy recovery, or reduced in volume.

"Twenty-five-year storm" means a storm of ((~~twenty-four~~)) 24 hours duration and of such an intensity that it has a four percent probability of being equaled or exceeded each year.

"Universal wastes" means universal wastes as defined in chapter 173-303 WAC, Dangerous waste regulations. Universal wastes include, but may not be limited to, dangerous waste batteries, mercury-containing thermostats, and universal waste lamps generated by fully regulated dangerous waste generators or CESQGs.

"Unstable area" means a location that is susceptible to forces capable of impairing the integrity of the facility's liners, monitoring system or structural components. Unstable areas can include poor foundation conditions and areas susceptible to mass movements.

"Vadose zone" means that portion of a geologic formation in which soil pores contain some water, the pressure of that water is less than atmospheric pressure, and the formation occurs above the zone of saturation.

"Vector" means a living animal including, but not limited to, insects, rodents, and birds, which is capable of transmitting an infectious disease from one organism to another.

"((~~Vermicomposting~~)) Vermiculture" means the controlled and managed process by which live worms convert organic residues into ((~~dark, fertile, granular excrement~~)) worm castings.

"Waste tires" means any tires that are no longer suitable for their original intended purpose because of wear, damage or defect. Waste tires include tires originally intended for use on public highways that are considered unsafe for this use ((~~in accordance with~~)) according to RCW 46.37.425. Waste tires also include quantities of used tires that may be suitable for their original intended purpose when mixed with tires not suitable for their original intended purpose.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

((~~**"Wood derived fuel"** means wood pieces or particles used as a fuel for energy recovery, which contain paint, bonding agents, or creosote. Wood derived fuel does not include wood pieces or particles coated with paint that contains lead or mercury, or wood treated with other chemical preservatives such as pentachlorophenol, copper naphthenate, or copper-chrome-arsenate.~~

~~**"Wood waste"** means wood pieces or particles determined to be solid waste per WAC 173-350-021 generated from construction, demolition, handling and storage of raw materials, trees, stumps, and manufacturing of wood products. This may include, but is not limited to, sawdust, chips, shavings, bark, pulp, and log sort yard waste, but does not include wood pieces or particles containing paint, laminates, bonding agents, or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.~~)) **"Worm castings"** or **"vermicast"** means the end product from a complete vermiculture process that has converted organic feedstocks into excrement and decomposed organic materials ready for use. Worm castings meeting physical contaminant limits may be managed as manure.

"Yard debris" means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping or similar activities. Yard debris includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris, nonflocked, undecorated holiday trees, and tree prunings four inches or less in diameter.

"Zone of saturation" means that part of a geologic formation in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure.

NEW SECTION

WAC 173-350-215 Organic materials pre-processing. (1) **Organic materials pre-processing facilities - Applicability.**

(a) These standards apply to organic materials pre-processing facilities.

(b) These standards do not apply to:

(i) Storage or treatment of solid waste in outdoor piles subject to WAC 173-350-320;

(ii) Recycling and material recovery facilities subject to WAC 173-350-210;

(iii) Composting facilities subject to WAC 173-350-220;

(iv) Other organic materials handling subject to WAC 173-350-225;

(v) Anaerobic digesters subject to WAC 173-350-250; or

(vi) Managing MSW under any applicable standards.

(2) **Organic materials pre-processing facilities - Permit exemptions.** Organic material pre-processing facilities that operate within and as an integral part of another organic materials management facility requiring a solid waste handling permit or operating under a conditional exemption under this chapter must be covered under that permit or permit exemption and are not required to meet the permitting requirements of subsections (3) through (10) of this section. For such facilities, the owner or operator must provide the jurisdictional health department information in the facility's plan of operation or must provide the department information in the notification of exemption to show how they will meet the standards of this subsection. If an owner or operator does not comply with this subsection, then the facility may be subject to permit requirements under this chapter, the jurisdictional health department's enforcement provisions for facilities subject to permit, and other enforcement provisions in chapter 70A.205 RCW.

Table 215-A
Terms and Conditions for Solid Waste Permit Exemptions

	Organic Materials	Volume	Specific Requirements for Activity or Operation
(1)	All organic materials containing five percent or less physical contaminants by volume.	Follow requirements of the permit or terms and conditions of the exemption for the organic materials management facility that address volume restrictions.	Exemption allows permitted or permit exempt compost or other organic materials management facilities to preprocess organic feedstocks that meet the five percent physical contaminant by volume threshold upon arrival at the facility to further lower the level of contaminants if they choose, without obtaining additional solid waste permits under this section. This exemption does not apply to other pre-processing facilities, or to managing materials containing physical contaminants at concentrations above five percent.

(3) **Organic materials pre-processing facilities – Permit requirements – Location.** There are no specific location standards for organic materials pre-processing facilities subject to permitting under this chapter; however, organic materials pre-processing facilities must meet the performance standards of WAC 173-350-040.

Note: When considering anaerobic digestion facility location, please review the U.S. Department of Transportation Federal Aviation Advisory Circular No. 150/5200-33C (or as updated), Hazardous Wildlife Attractants on or near Airports.

(4) **Organic materials pre-processing facilities – Permit requirements – Design.** Organic materials pre-processing facilities must be designed so that the facilities can be operated to meet the performance standards of WAC 173-350-040, and the following design standards:

(a) Control public access, and prevent unauthorized vehicular traffic and illegal dumping of waste;

(b) Be sturdy and constructed of easily cleanable materials;

(c) Provide effective means to control rodents, insects, birds, and other vectors;

(d) Provide effective means to control litter including, but not limited to, orientation of the tipping floor in a manner that prevents prevailing winds from moving waste outside the collection area when other structures are not in place to prevent this;

(e) Provide calculation for maximum site capacity in cubic yards or gallons for all materials on-site at any one time. This total must include the capacities for incoming waste, active processing, and processed materials areas;

(f) Provide calculations for processing capacity in weight or volume of feedstocks per month;

(g) Ensure all surfaces where organics are managed are made of impervious material such as concrete or asphalt to prevent soil and groundwater contamination. The surface must be durable enough to withstand equipment. The jurisdictional health department may approve other types of surfaces if the applicant can demonstrate that it will prevent soil and groundwater contamination;

(h) Cover the tipping floor to protect it from precipitation and to prevent physical contaminants from becoming litter. Organic material pre-processing facilities colocated with permitted composting or other types of organic materials handling facilities may request approval for uncovered tipping and processing if the facility is not otherwise required to have covered tipping under air, water quality, or other environmental permits;

(i) Convey leachate from the tipping floor and any areas likely to collect leachate to a surface impoundment, tank, or sanitary sewer, or use other methods approved by the jurisdictional health department to prevent uncontrolled discharge;

(j) Provide stormwater runoff collection and discharge and prevent run-on from a twenty-five-year storm;

(k) Provide pollution control measures to protect air quality if needed to meet the performance standards, the operating requirements of this section, or air quality permits; and

(l) Provide all-weather surfaces for vehicular traffic.

(5) **Organic materials pre-processing facilities – Permit requirements – Documentation.**

(a) The owner or operator of a facility who proposes any addition or modification of elements described in subsection (4) of this section or otherwise necessary to meet other standards of this chapter must submit facility drawings and construction documents to the jurisdictional health department for review and approval. Facility drawings must be to scale and include the location and size of waste handling areas, fixed equipment, buildings, stormwater management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation.

(b) The owner or operator may not begin operation in an added or modified portion of the facility until the jurisdictional health department has approved the completed addition or modification in writing.

(c) For engineered features proposed to meet standards and criteria of subsection (4) of this section or other standards of this chapter, construction documents must be prepared by a professional engineer registered in the state of Washington and submitted to the jurisdictional health department, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features. The engineering report must demonstrate that the proposed design will meet the standards of this chapter;

(ii) Design specifications for the engineered features of the facility as applicable; and

(iii) For new construction, a construction quality assurance plan that describes monitoring, testing, and documentation procedures that

will be performed during construction to ensure engineered features are constructed in accordance with the approved design.

(iv) Following construction completion, construction record drawings for engineered features and a report documenting the construction, including the results of observations and any testing carried out as part of the construction quality assurance plan. The owner or operator may not begin operation in a newly constructed or modified engineered feature of the facility until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering documents and has approved the construction documentation in writing.

(6) **Organic materials pre-processing facilities – Permit requirements – Operating.** The owner or operator of an organic materials pre-processing facility must:

(a) Operate the site in compliance with the performance standards of WAC 173-350-040 and this subsection. In addition, the owner or operator must develop, keep, and follow a plan operation approved as part of the permitting process. The plan must describe the facility's operation and convey to site operating personnel the concept of operation intended by the designer. The plan of operation must be available for inspection at the request of the jurisdictional health department. If necessary, the plan must be modified with the approval, or at the direction of, the jurisdictional health department. The plan must be available in languages that employees responsible for compliance with this section can read. Each plan of operation must include the following:

(i) A description of the types of wastes to be handled at the facility. Organic materials pre-processing facilities may receive only source-separated solid waste;

(ii) A description of the procedures used to ensure that dangerous waste and other unacceptable waste are not accepted at the facility;

(iii) A description of how wastes are to be handled on-site, including storage, maximum processing capacity per month, method of adding or removing waste materials from the facility, method of removal of physical contaminants to meet a five percent by volume limit for organic materials to be accepted at an organic materials handling facility, and equipment used;

(iv) A description of representative sample collection procedures of organic materials after physical contaminants have been removed, testing frequency to be every three months or 5,000 cubic yards for solid and 1,000,000 gallons for liquids, whichever is more frequent, and use of an accredited laboratory. An alternative frequency approved by the jurisdictional health department may be used;

(v) A description of how processed materials that exceed the five percent physical contaminant by volume standard will be managed;

(vi) For organic materials pre-processing facilities that are co-located with composting, anaerobic digestion, or other organic materials handling facilities, a description of how the two operations are kept distinct so that materials leaving the pre-processing operation and entering the secondary organic materials handling have a clear delineation of finishing one and starting the other;

(vii) A description of any plans to recover for recycling inorganic recyclable material such as, but not limited to, cardboard and metal;

(viii) A description of how the owner or operator will ensure the facility is operated in a way to:

(A) Control litter, dust, and nuisance odors;

(B) Control rodents, insects, birds, and other vectors;

(C) Provide attendant(s) on-site during hours of operation. Materials may be transferred after hours without an attendant on-site if other controls approved by the jurisdictional health department are in place;

(D) Provide a sign at the site entrance that identifies the facility and shows at a minimum the name of the facility;

(E) Immediately summon fire, police, or emergency service personnel in the event of an emergency;

(F) Remove or otherwise manage leachate from containment structure(s) to prevent soil and/or groundwater contamination;

(G) Remove waste materials from the tipping floor at a frequency approved by the jurisdictional health department; and

(H) Ensure that handling of waste capable of attracting birds does not pose an aircraft safety hazard and meets federal aviation administration standards.

(ix) A description of how facility employees are trained in appropriate facility operations, maintenance procedures, and safety and emergency procedures according to individual job duties. Operator training to include required reading of the approved plan of operation for employees with responsibilities for compliance with this section;

(x) A description of how operators will inspect and maintain the facility to prevent malfunctions, deterioration, operator errors, and discharges that may cause or lead to the release of wastes to the environment or a threat to human health. The plan must include the inspection form operators will use. Inspections must be conducted as needed, but at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(xi) A description of how operators will maintain operating records on the amounts (weight or volume) and types of waste received and removed from the facility including destination of material. The plan must include the form used to record this information. Laboratory test records must be maintained in the operating record. Facility annual reports must be maintained in the operating record. Facility inspection reports must be maintained in the operating record, including at least the date of inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action. Significant deviations from the plan of operation must be noted in the operating record. Records must be kept for a minimum of five years and must be available upon request by the jurisdictional health department;

(xii) Safety and emergency plans; and

(xiii) Other details to demonstrate that the facility will be operated according to this subsection and as required by the jurisdictional health department.

(b) Prepare and submit an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report must detail organic materials pre-processing activities during the previous calendar year and must include the following information:

(i) Name and address of the organic materials pre-processing facility, and name of the compost, anaerobic digestion, or other organic materials handling facility if colocated;

(ii) Calendar year covered by the report;

(iii) Annual quantities and types of waste received, organic feedstocks recovered, and waste disposed;

(iv) Destination of materials;

(v) Annual summary of laboratory analysis to demonstrate material contains equal to or less than five percent physical contaminants by volume. Accredited laboratories must be used for analysis.

(vi) Any additional information required by the department or the jurisdictional health department.

(7) **Organic materials pre-processing facilities – Permit requirements – Groundwater monitoring.** There are no specific groundwater monitoring requirements for organic materials pre-processing facilities subject to this chapter; however, organic materials pre-processing facilities must meet the performance standards of WAC 173-350-040.

(8) **Organic materials pre-processing facilities – Permit requirements – Closure.** The owner or operator of an organic materials pre-processing facility must develop, keep, and follow a closure plan that includes:

(a) Notification to the jurisdictional health department 60 days in advance of closure;

(b) Removal of all waste materials to a facility that conforms with the applicable regulations for handling the waste; and

(c) Methods of removing waste materials.

(9) **Organic materials pre-processing facilities – Permit requirements – Financial assurance.** There are no specific financial assurance requirements for organic materials pre-processing facilities subject to this chapter; however, facilities must meet the performance standards of WAC 173-350-040.

(10) **Organic materials pre-processing facilities – Permit application contents.** The owner or operator of an organic materials pre-processing facility must obtain a solid waste permit from the jurisdictional health department. All applications for permits must be submitted according to the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit must contain:

(a) Engineering reports/plans and specifications that address the standards of subsections (4) and (5) of this section;

(b) A plan of operations meeting the applicable requirements of subsection (6) of this section;

(c) A closure plan meeting the requirements of subsection (8) of this section; and

(d) Any additional information required by the jurisdictional health department.

AMENDATORY SECTION (Amending WSR 18-17-008, filed 8/1/18, effective 9/1/18)

WAC 173-350-220 Composting facilities. (1) **Composting facilities - Applicability.**

(a) These standards apply to all facilities that treat solid waste or liquid waste as defined in this chapter by composting.

(b) These standards do not apply to:

(i) ((~~Methods of managing organic materials that are excluded from the solid waste handling standards in WAC 173-350-020;~~

~~(ii)~~)) Composting used as a treatment for contaminated soil or contaminated dredged material regulated under WAC 173-350-320 or 173-350-490;

((~~(iii) Anaerobic digesters regulated under WAC 173-350-250, or~~)) (ii) Aerobic treatment of ((~~other~~)) liquid or ((~~solid~~)) semisolid wastes in ((~~digesters~~)) tanks regulated under WAC 173-350-225 or 173-350-330; and

((~~(iv) Composting of bovine and equine carcasses for producers subject to RCW 70.95.306. Producers that fail to meet the conditions of RCW 70.95.306 will be required to obtain a solid waste handling permit from the jurisdictional health department and must comply with all other conditions of this chapter; and~~

~~(v)~~)) (iii) Composting biosolids when managed under chapter 173-308 WAC, Biosolids management.

(2) **Composting facilities - Permit exemptions.** ((~~In accordance with RCW 70.95.305, conditionally exempt facilities composting materials and volumes in Table 220-A must meet the conditions listed in Table 220-A, and (a) through (e) of this subsection to be conditionally exempt from solid waste handling permitting. Feedstocks not listed in Table 220-A must be approved by the department and jurisdictional health department.~~))

(a) Except for facilities specified in (b) of this subsection, according to RCW 70A.205.265, facilities managed in compliance with standards for exemption under this subsection are exempt from the permit requirements of this chapter. If an owner or operator does not comply with the standards for exemption under this subsection, the facility may be subject to permit requirements under this chapter, the department's enforcement provisions for exempt facilities in RCW 70A.205.280, and other enforcement provisions in chapter 70A.205 RCW.

(b) Facilities that operate within and as an integral part of facility requiring a solid waste handling permit under this chapter must be covered under that permit and are not permit-exempt, but may operate in compliance with the standards for exemption under this subsection. For such facilities, the owner or operator must provide the jurisdictional health department information in the facility's plan of operation to show how they will meet the standards of this subsection. If an owner or operator does not comply with this subsection, the facility may be subject to permit requirements under this chapter, the jurisdictional health department's enforcement provisions for facilities subject to permit, and other enforcement provisions in chapter 70A.205 RCW.

(c) For the purposes of this subsection, "material on-site at any one time" includes feedstocks, active composting, curing piles, and composted materials. ((~~An owner or operator that does not comply with the terms and conditions of Table 220-A and (a) of this subsection is required to obtain a permit from the jurisdictional health department and must comply with all other applicable requirements of this chapter. Violations of the terms and conditions of Table 220-A and (a) of this subsection may be subject to the enforcement provisions of RCW 70.95.315.~~))

Table 220-A
Terms and Conditions for Solid Waste Permit Exemptions

	Organic Materials	Volume	Specific Requirements for Activity or Operation
(1)	All organic feedstocks	((~~No more than 5,000 gallons or~~)) Up to 25 cubic yards of material on-site at any one time.	No notification, reporting or testing requirements.
(2)	All organic feedstocks	Greater than 25 but no more than 250 cubic yards of material on-site at any one time, not to exceed 1,000 cubic yards in a calendar year.	This exemption does not apply to activities covered in (3), (6), or (7) of this table. (a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department((~~;~~)). (b) Facilities that distribute composted material off-site must meet the following conditions: (i) Manage the operation to reduce pathogens ((~~to~~)) and meet limits set by Table 220-B; (ii) Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is ((~~based on volume of compost produced annually as required by subsection (4)(a)(x)(B) of this section~~)) every 5,000 cubic yards or annually, whichever is more frequent; and (iii) Submit annual reports and results of composted material analysis to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information: (A) Name and address of the operation; (B) Calendar year covered by the report; (C) Annual quantities and types of feedstocks received, compost produced, and waste disposed; (D) Destination of materials; and (E) Any additional information required by the department.

	Organic Materials	Volume	Specific Requirements for Activity or Operation
(3)	Meat processing waste Food processing waste Agricultural waste Bulking agents	Greater than 25 but no more than 250 cubic yards of material on-site at any one time, not to exceed 1,000 cubic yards processed in a calendar year.	This exemption applies to meat processing and food processing facilities located on-farm. All material except bulking agents must be generated on-farm. This exemption may be colocated with exemptions (5) or (6) so long as meat processing/food processing waste composting is done in a discrete area separate from other farm composting operations. Limits for the respective exemption apply to the respective area. Facilities that distribute composted material off-site must meet the following conditions: (a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department; (b) Manage the operation to reduce pathogens and meet limits set by Table 220-B; (c) Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is every 5,000 cubic yards or annually, whichever is more frequent; and (d) Submit annual reports and results of composted material analysis to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information: (i) Name and address of the operation; (ii) Calendar year covered by the report; (iii) Annual quantities and types of feedstocks received, compost produced, and waste disposed; (iv) Destination of materials; and (v) Any additional information required by the department.
(4)	Yard debris ((~~Crop residues~~)) Land clearing debris Manure and bedding Bulking agents	Greater than ((~~25~~)) 250 but no more than 500 cubic yards of material on-site at any one time, not to exceed 2,500 cubic yards processed in a calendar year.	(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department. (b) Facilities that distribute composted materials off-site must meet the following conditions: (i) Manage the operation to reduce pathogens ((~~to~~)) and meet limits set by Table 220-B;

	Organic Materials	Volume	Specific Requirements for Activity or Operation
			(ii) Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is ((based on volume of compost produced annually as required by subsection (4)(a)(x)(B) of this section)) every 5,000 cubic yards or annually, whichever is more frequent; and (iii) Submit annual reports and results of composted material analysis to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information: (A) Name and address of the operation; (B) Calendar year covered by the report; (C) Annual quantities and types of feedstocks received, compost produced, and waste disposed; (D) Destination of materials; and (E) Any additional information required by the department.
(((4))) (5)	Agricultural wastes Yard debris Land clearing debris Bulking agents	Greater than 25 but no more than ((1,000)) 2,500 cubic yards of ((agricultural wastes and bulking agents)) material on-farm at any one time, and up to 50% of organic materials on-farm can be yard debris and/or land clearing debris.	Exemption applies to on-farm composting only. Agricultural wastes may be received from other farms. Other feedstocks may be imported from off-site. ((Agricultural)) Farms managing more than 25 cubic yards of imported yard debris and/or land clearing debris on-site at any one time ((or composting only agricultural wastes but)) and that distribute off-site must meet the following conditions: (a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notification must be submitted on a form provided by the department; (b) ((If agricultural farm is only managing agricultural waste and not distributing composted material off farm, then notification in (4)(a) of this table is not required; (c))) Facilities that distribute composted material off-site must meet the following conditions: (i) Manage operation to reduce pathogens ((to)) and meet limits set by Table 220-B of this section; (ii) Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is ((based on volume of compost produced annually as required by subsection (4)(a)(x)(B) of this section)) every 5,000 cubic yards or annually, whichever is more frequent; and

	Organic Materials	Volume	Specific Requirements for Activity or Operation
			(iii) Submit annual reports and results of composted material analysis to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information: (A) Name and address of the operation; (B) Calendar year covered by the report; (C) Annual quantities and types of feedstocks received, compost produced, and waste disposed; (D) Destination of materials; and (E) Any additional information required by the department.
(((~~(5)~~))) (6)	Agricultural wastes ((~~Manure and bedding from zoos~~)) Bulking agents	Greater than 25 cubic yards with no upper limits ((~~when only agricultural wastes, manure and bedding from zoos, and bulking agents are processed on-farm, or on-site for zoos~~)).	((~~Agricultural farms that distribute composted material off-farm, or off-site for zoos, must meet the following conditions:~~ ~~(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notification must be submitted on a form provided by the department;~~ ~~(b) For composting at a dairy, composting must occur as part of an updated dairy nutrient management plan as required by chapter 90.64 RCW, Dairy Nutrient Management Act;~~ ~~(c) For composting at a farm other than a dairy, composting must occur as part of an updated farm management plan written in conjunction with a conservation district, a qualified engineer, or other agricultural professional able to certify that the plan meets applicable conservation practice standards in the USDA *Washington Field Office Technical Guide*, Code 317, produced by the Natural Resources Conservation Service;~~ ~~(d) Facilities that distribute composted material off-site must meet the following conditions:~~ ~~(i) Manage the operation to reduce pathogens to meet limits set by Table 220-B of this section;~~ ~~(ii) Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is based on volume of compost produced annually as required by subsection (4)(a)(x)(B) of this section; and~~ ~~(iii) Submit annual reports and results of composted material analysis to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department.~~))

	Organic Materials	Volume	Specific Requirements for Activity or Operation
			Exemption applies to on-farm agricultural composting that is not exempt under (2) or (5) of this table. Agricultural wastes may be received from other farms, and bulking agents may be imported from off-site. Farms must compost as part of a farm nutrient management plan written in conjunction with a conservation district, a qualified engineer, or other agricultural professional able to certify that the plan meets applicable conservation practice standards in the USDA Natural Resources Conservation Service (NRCS) Washington Field Office Technical Guide, including Conservation Practice Standard Code 317, or updated relevant NRCS standard. Farms that distribute off-site must meet the following conditions: (a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notification must be submitted on a form provided by the department; (b) Manage the operation to reduce pathogens and meet limits set by Table 220-B of this section; (c) Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is every 5,000 cubic yards or annually, whichever is more frequent; and (d) Submit annual reports and results of composted material analysis to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information: (i) Name and address of the operation; (ii) Calendar year covered by the report; (iii) Annual quantities and types of feedstocks received, compost produced, and waste disposed; (iv) Destination of materials; and (v) Any additional information required by the department.
(7)	Emergency animal mortalities Bulking agents	No upper limit.	This exemption is limited to emergency composting of animal mortalities under a method approved by the Washington state department of agriculture and the state veterinarian according to WAC 16-25-040. (a) Immediately upon establishing a compost process, the person responsible for the compost process must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notification must be submitted on a form provided by the department;

	Organic Materials	Volume	Specific Requirements for Activity or Operation
			(b) Facilities that distribute composted material off-site must meet the following conditions: (i) Manage the operation to reduce pathogens and meet limits set by Table 220-B of this section; (ii) Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is every 5,000 cubic yards or annually, whichever is more frequent; and (iii) Prior to use or distribution of composted materials, submit an emergency mortality composting report and results of composted material analysis to the department and the jurisdictional health department. Reports must be submitted on forms provided by the department. The report must detail activities during the emergency composting event and must include the following information: (A) Name and address of the operation; (B) Calendar year covered by the report; (C) Annual quantities and types of feedstocks received, compost produced, and waste disposed; (D) Destination of materials; and (E) Any additional information required by the department. (c) Material that does not meet compost quality standards of Table 220-B may be distributed at the judgment of the Washington state department of agriculture and the state veterinarian as described in Table 225-A, but such material is not considered compost, may not be promoted as compost, and is not eligible for compost reimbursement programs. Noncompost is not subject to the testing requirements above.
(8)	Manure and bedding from zoos Bulking agents	No upper limit.	This exemption applies to composting at zoos only. Zoos must meet the following conditions: (a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notification must be submitted on a form provided by the department; (b) Facilities that distribute composted material off-site must meet the following conditions: (i) Manage the operation to reduce pathogens and meet limits set by Table 220-B of this section; (ii) Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is every 5,000 cubic yards or annually, whichever is more frequent; and

	Organic Materials	Volume	Specific Requirements for Activity or Operation
			(iii) Submit annual reports and results of composted material analysis to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information: (A) Name and address of the operation; (B) Calendar year covered by the report; (C) Annual quantities and types of feedstocks received, compost produced, and waste disposed; (D) Destination of materials; and (E) Any additional information required by the department.

((~~(a)~~)) (d) Comply with the performance standards of WAC 173-350-040;

((~~(b)~~)) (e) Manage the operation to prevent the migration of agricultural pests identified by local horticultural pest and disease control boards, as applicable;

((~~(c)~~)) (f) Control litter, dust, and nuisance odors to prevent migration beyond property boundaries;

((~~(d)~~)) (g) Manage the operation to prevent attraction of flies, rodents, birds, and other vectors; ((~~and~~

~~(e)~~)) (h) Allow the department or the jurisdictional health department to inspect the site at reasonable times;

(i) If testing is required, provide laboratory test records upon request by the department or jurisdictional health department;

(j) Limit physical contaminants in incoming feedstocks to no more than five percent by volume;

(k) Exclude feedstocks when necessary to comply with restrictions to prevent spread of animal diseases such as, but not limited to, chronic wasting disease; and

(l) On forms provided by the department, all operations required to notify must describe measures to:

(i) Control leachate;

(ii) Prevent dust, odors, and vectors;

(iii) Maintain aerobic compost system with adequate porosity, bulk density, carbon to nitrogen ratio, and moisture content that will reach pathogen reduction time and temperature.

(3) **Composting facilities - Permit requirements - Location.** There are no specific location standards for composting facilities subject to this chapter; however, composting facilities must meet the performance standards of WAC 173-350-040.

Note: When considering compost facility location, please review the U.S. Department of Transportation Federal Aviation Advisory Circular. No. ((~~150/5200-33B 2007~~)) 150/5200-33C (or as updated), Hazardous Wildlife Attractants on or near Airports.

(4) **Composting facilities - Permit requirements - Design.** Composting facilities must be designed ((~~and constructed to meet the requirements of this subsection.~~

~~(a) Composting facilities must be designed and constructed such that:~~

~~(i) The facility can be operated to meet the performance standards of WAC 173-350-040; and~~

~~(ii) The facility can be operated to~~)) so that the facility can be operated to meet the performance standards of WAC 173-350-040, and the following design standards:

(a) Control public access, and prevent unauthorized access when closed;

(b) Be sturdy and constructed of easily cleanable materials;

(c) Provide effective means to control rodents, insects, birds, and other vectors;

(d) Provide effective means to control litter including, but not limited to, orientation of the tipping floor in a manner that prevents prevailing winds from moving waste outside the collection area when other structures are not in place to prevent this;

(e) Promote a controlled, aerobic decomposition system. ((~~This requirement is intended to ensure that compost facility designers take into account~~)) The design must consider porosity, nutrient balance, pile oxygen, pile moisture, pile temperature, and ((~~retention time of composting when designing a facility. It is not intended to mandate forced aeration or any other specific composting technology.~~

~~(b) The owner or operator of a composting facility must prepare and provide to the jurisdictional health department engineering reports, engineering plans, and engineering specifications that address the design standards of this subsection. The engineering documents must be prepared by a professional engineer registered in the state of Washington, and must include:~~

~~(i) An engineering report that presents the design basis and calculations for the engineered features of the facility including, but not limited to: Pad, impoundments, stormwater management features, leachate management features, and aeration and emission control features as required by the permitting air authority where applicable. The engineering report must demonstrate that the proposed design will meet the performance standards of this chapter;~~

~~(ii) Scale drawings of the facility including the location and size of feedstock and composted material storage areas, compost processing areas, fixed equipment, buildings, stormwater management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation;~~

~~(iii) Design specifications for the engineered features of the facility including, but not limited to, pads, stormwater management features, leachate management features, and aeration and emission management features as required by a permitting air authority where applicable; and~~

~~(iv) A construction quality assurance plan that describes monitoring, testing, and documentation procedures that will be performed during construction of the facility to ensure the facility is constructed in accordance with the approved design.~~

~~(c) When operations require public access, all-weather roads must be provided from the highway or roads to and within the compost facility and must be designed and maintained to prevent traffic congestion, traffic hazards, dust, and noise pollution.~~

~~(d) Compost facilities must~~)) compost processing and curing time;

(f) Provide calculation for maximum site capacity in cubic yards for all materials on-site at any one time based on volume and number of piles, or capacity of vessels, and other considerations. This total must include the capacities for incoming feedstocks, composting, curing, and composted materials areas;

(g) Provide calculations for processing capacity in tons or cubic yards of feedstocks per month. This must include pile process retention times in all areas as well as the site capacity above;

(h) Provide pads for incoming feedstocks, active composting, and curing materials made of impervious material such as concrete or asphalt and have sealed joints to prevent soil and groundwater contamination. The surface must be durable enough to withstand the composting process, weight of materials, and equipment. Pads must be curbed or otherwise designed to prevent run-on and runoff and graded to convey leachate and prevent ponding. The jurisdictional health department may approve other types of surfaces if the applicant can demonstrate that it will prevent soil and groundwater contamination;

(i) Manage stormwater and leachate separately to meet the standards of this section and of any and all federal, state, and local water and air quality permits. ((~~(c) Composting facilities must~~)) Stormwater that is combined with leachate must be managed as leachate according to this section. Stormwater and leachate systems must:

(i) Minimize the production of leachate ((~~and runoff~~)) by designing stormwater management features such as run-on prevention systems, which may include covered areas (roofs), diversion swales, ditches, or other features designed to divert stormwater from areas of feedstock preparation, active composting, and curing((~~.~~

~~(i) Composting facilities must manage any leachate generated at the facility by providing leachate management features. The leachate management features include, but are not limited to, leachate collection, conveyance, and storage structures, or treatment systems. Leachate must be collected~~));

(ii) Convey leachate from areas of feedstock storage and preparation, active composting, and curing((~~, and be conveyed to a leachate storage structure or treatment system. Any discharges to ground that result in contaminants migrating to groundwater require a waste discharge permit under chapter 90.48 RCW, Water pollution control, prior to discharge. Discharges to ground that result in degradation of groundwater quality are prohibited under chapter 90.48 RCW, Water pollution control. Any discharge to sanitary sewer requires additional permitting by the local delegated authority or department~~)) to a surface impoundment, tank, or sanitary sewer to prevent uncontrolled discharge;

((~~(ii) Stormwater and leachate collection and conveyance structures must be designed based on the volume of water resulting from a twenty-five-year storm event~~)) (iii) Provide stormwater runoff collection and discharge and prevent run-on from a twenty-five-year storm;

((~~(iii) Leachate storage structures such as ponds or tanks must be of~~)) (iv) Provide adequate capacity to store the normal maximum volume of leachate generated by the facility. The normal maximum volume will be established based on the following conditions:

(A) ((~~Facility design~~)) Size of collection area;

(B) Normal climatic precipitation and evaporation data for the location of the facility;

(C) Monthly leachate reuse or removal; and

(D) A factor of safety to accommodate variability of actual conditions from normal conditions.

((~~(iv)~~)) (v) Leachate ((~~holding ponds and tanks~~)) surface impoundments must be designed according to the following:

(A) ((~~Leachate ponds at registered dairies must meet Natural Resources Conservation Service standards for a waste storage facility in~~

~~the 2001 (revised June 2011) *Washington Field Office Technical Guide* (Code 313).~~

~~(B) Leachate ponds at composting facilities other than registered dairies must be designed to meet the following requirements:~~

~~(I)~~)) Have a liner consisting of a minimum 30-mil thickness geomembrane on a subgrade that provides sufficient bearing capacity to support the liner and the contents of the pond. A liner constructed with a high density polyethylene geomembrane must be at least 60-mil thick to allow for proper welding. The jurisdictional health department may approve the use of an alternative liner design if the owner or operator can demonstrate during the permitting process that the proposed design will prevent migration of solid waste constituents or leachate into the ground or surface waters at least as effectively as the liners described in this subsection;

((~~(II)~~)) (B) Have dikes and slopes designed to maintain their structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action, overfilling, or precipitation;

((~~(III)~~)) (C) Have freeboard (distance between the liquid level and the top of the pond) equal to or greater than ((~~eighteen~~)) 18 inches to avoid overtopping from wave action, overfilling, or precipitation. The jurisdictional health department may reduce the freeboard requirement if other engineering controls are in place that prevent overtopping. These engineering controls must be specified during the permitting process; and

((~~(IV)~~)) (D) Leachate ponds that have the potential to impound more than ((~~ten~~)) 10-acre feet (((~~three million two hundred fifty-nine thousand~~)) 3,259,000 gallons) of liquid measured from the top of the dike and which would be released by a failure of the containment dike must be reviewed and approved by the dam safety section of the department.

((~~(C)~~)) (vi) Tanks used to store leachate must meet design standards in WAC 173-350-330 (4)(b).

((~~(f) Incoming feedstocks, active composting, and curing materials must be placed on pads that prevent contamination of soil or groundwater underlying or adjacent to the pads. Pads must meet the following requirements:~~

~~(i) All pads must be curbed or graded in a manner to prevent ponding, to control run-on and runoff, and to separately collect and convey all stormwater and leachate to separate storage or holding systems. Stormwater that is combined with leachate must be managed as leachate in accordance with this section;~~

~~(ii) All pads must be constructed on subgrades that provide sufficient bearing capacity to support the weight of the pad, the materials placed on them, and the equipment used in handling the materials;~~

~~(iii) The entire surface area of the pad must be designed to maintain its structural and hydraulic integrity against loads resulting from any machinery used for feedstock and compost handling activities, and from surface wear or damage caused by feedstock and compost handling, or by active composting at the facility;~~

~~(iv) The pad may be constructed of materials such as concrete (with sealed joints), asphaltic concrete, or soil cement that prevents subsurface soil and groundwater contamination; and~~

~~(v) The jurisdictional health department may allow pads for compost facilities to be designed and constructed with materials other than those listed in (f)(iv) of this subsection, provided the applicant demonstrates in the engineering report to the jurisdictional~~

~~health department's and the department's satisfaction that the alternative pad provides sufficient protection to meet the performance standards of this section and of WAC 173-350-040.~~)) (j) Provide pollution control measures to protect air quality; and

(k) Provide all-weather surfaces for vehicular traffic.

(5) **Composting facilities - Permit requirements - Documentation.** ((~~Within thirty days of completing construction, the owner or operator of a composting facility must provide copies of the construction record drawings for engineered features at the facility and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. Facilities must not begin operating until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report, plans, and specifications and has approved the construction documentation in writing. The jurisdictional health department has thirty days after receiving complete construction records to provide its determination.~~))

(a) The owner or operator of a facility who proposes any addition or modification of elements described in subsection (4) of this section or otherwise necessary to meet other standards of this chapter must submit facility drawings and construction documents to the jurisdictional health department for review and approval. Facility drawings must be to scale and include the location and size of waste handling areas, fixed equipment, buildings, stormwater management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation;

(b) The owner or operator may not begin operation in an added or modified portion of the facility until the jurisdictional health department has approved the completed addition or modification in writing;

(c) For engineered features proposed to meet standards and criteria of subsection (4) of this section or other standards of this chapter, construction documents must be prepared by a professional engineer registered in the state of Washington and submitted to the jurisdictional health department, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features. The engineering report must demonstrate that the proposed design will meet the standards of this chapter;

(ii) Design specifications for the engineered features of the facility as applicable;

(iii) For new construction, a construction quality assurance plan that describes monitoring, testing, and documentation procedures that will be performed during construction to ensure engineered features are constructed in accordance with the approved design.

(iv) Following construction completion, construction record drawings for engineered features and a report documenting the construction, including the results of observations and any testing carried out as part of the construction quality assurance plan. The owner or operator may not begin operation in a newly constructed or modified engineered feature of the facility until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering documents and has approved the construction documentation in writing.

(6) **Composting facilities - Permit requirements - Operating.** The owner or operator of a composting facility ((~~must~~)) shall:

(a) Operate the ((~~facility to:~~

~~(i) Control air contaminants such as dust and nuisance odors to prevent other contaminants from migrating beyond property boundaries in accordance with WAC 173-350-040(3);~~

~~(ii) Prevent the attraction of vectors;~~

~~(iii) Prevent the migration of agricultural pests identified by local pest and disease control boards, as applicable;~~

~~(iv) Ensure access to the facility is restricted when the facility is closed;~~

~~(v) Ensure that only feedstocks identified in the approved plan of operation are accepted at the facility;~~

~~(vi) Ensure the facility operates under the supervision and control of a properly trained individual(s) during all hours of operation:~~

~~(A) Facility supervisors responsible for daily operation must receive training, or be able to document prior training, in the basics of composting within the first year of supervising the facility. Training must consist of classroom and hands-on course work and conclude with a certificate of completion that must be kept on-site at all times. Appropriate compost training can be obtained through organizations such as the Washington organic recycling council, the Solid Waste Association of North America, the U.S. Composting Council, or other training as approved by the jurisdictional health department; and~~

~~(B) Ensure facility employees are trained in appropriate facility operations, maintenance procedures, and safety and emergency procedures according to individual job duties and according to an approved plan of operation. A trained supervisor may provide appropriate training to employees responsible for daily operations.~~

~~(vii) Implement and document~~)) site in compliance with the performance standards of WAC 173-350-040 and this subsection. In addition, the owner or operator shall develop, keep, and follow a plan of operation approved as part of the permitting process. The plan of operation must be available for inspection at the request of the jurisdictional health department. If necessary, the plan must be modified with the approval, or at the direction of the jurisdictional health department. The plan must be available in languages that employees can read for employees with responsibilities for compliance with this section. Each plan of operation must include the following:

(i) A description of the types of waste materials to be handled at the facility. Feedstocks must be approved by the jurisdictional health department and must contain no more than five percent physical contaminants by volume;

(ii) A description of the procedures used to ensure that dangerous waste and other unacceptable wastes are not accepted at the facility. Facilities must exclude feedstocks when necessary to comply with restrictions to prevent spread of animal diseases such as, but not limited to, chronic wasting disease, or to prevent the migration of agricultural pests identified by local pest and disease control boards;

(iii) A description of procedures and criteria for ensuring that only the feedstocks described will be accepted. This includes a plan for rejecting feedstocks contaminated with greater than five percent physical contaminants by volume. The facility is not considered to have taken ownership of rejected loads.

(iv) A description of how waste materials are to be handled on-site, including feedstock receiving, composting, curing, and composted materials storage. This description must include:

(A) Maximum site capacity in cubic yards for all materials on-site at any one time as calculated in the design specifications;

(B) Processing capacity in tons or cubic yards of feedstocks per month as calculated in the design specifications;

(C) Procedure to reduce physical contaminants in composted material to meet testing parameters in Table 220-B. Grinding to reduce the size of physical contaminants does not meet the requirements of this section;

(D) Implementation and documentation of pathogen reduction activities. Documentation must include monitoring and recording compost pile temperatures representative of the composting materials, and notation of turnings as appropriate, based on the composting method used. Pathogen reduction activities must at a minimum include the following:

((~~(A)~~)) (I) In vessel composting - The temperature of the active compost pile must be maintained at ((~~fifty-five~~)) 55 degrees Celsius (((~~one hundred thirty-one~~)) 131 degrees Fahrenheit) or higher for three consecutive days (((~~seventy-two~~)) 72 hours); or

((~~(B)~~)) (II) Aerated static pile must have a cover such as a synthetic material or a minimum one-foot layer of finished compost, screen compost overs, or other approved media to ensure that pathogen reduction temperatures are reached and vectors are controlled. The temperature of the active compost pile must be maintained at ((~~fifty-five~~)) 55 degrees Celsius (((~~one hundred thirty-one~~)) 131 degrees Fahrenheit) or higher for three consecutive days (((~~seventy-two~~)) 72 hours); or

((~~(C)~~)) (III) Windrow composting - The temperature of the active compost pile must be maintained at ((~~fifty-five~~)) 55 degrees Celsius (((~~one hundred thirty-one~~)) 131 degrees Fahrenheit) or higher for ((~~fifteen~~)) 15 days or longer. During the period when the compost is maintained at ((~~fifty-five~~)) 55 degrees Celsius (((~~one hundred thirty-one~~)) 131 degrees Fahrenheit) or higher, there must be a minimum of five turnings of the windrow; or

((~~(D)~~)) (IV) An alternative method of composting that can be demonstrated by the owner or operator to achieve an equivalent reduction of ((~~human~~)) pathogens.

((~~(viii) Monitor~~)) (E) Monitoring of the composting process ((~~according to the plan of operation submitted during the permitting process~~)). Monitoring must include inspection of incoming loads of feedstocks and pathogen reduction requirements of ((~~(a)(vii) of~~)) this subsection;

((~~(ix) Collect~~)) (F) Collecting composted material samples for analysis that are representative of the pile. Use a sampling method such as described in the U.S. Composting Council ((~~2002~~)) 2015 Test Methods for the Examination of Composting and Compost, Method 02.01-A through E; and

((~~(x) Analyze~~)) (G) Analyzing composted material for metals and other testing parameters listed in Table 220-B. All testing must be done by an accredited laboratory. ((~~(A)~~)) The jurisdictional health department may require additional tests for ((~~metals and contaminants~~)) other parameters;

((~~(B)~~)) (H) Testing frequency is based on amount of composted material produced. A representative sample of composted material must be tested for every 5,000 cubic yards produced, or every three ((~~hundred~~

~~sixty-five days~~)) months, whichever is more frequent. The jurisdictional health department may modify the frequency of testing based on historical ((~~data~~)) laboratory test records for a particular facility;

((~~(C)~~)) (I) Composted material meeting the conditions of Table 220-B and this subsection ((~~(6)(a)(x) and (g) of this section~~)) can be stored off of a pad.

Table 220-B
Testing Parameters

Metals and other testing parameters	Limit (mg/kg dry weight), unless otherwise specified
Arsenic	≤ 20 ppm
Cadmium	≤ 10 ppm
Copper	≤ 750 ppm
Lead	≤ 150 ppm
Mercury	≤ 8 ppm
Molybdenum	≤ 9 ppm
Nickel	≤ 210 ppm
Selenium	≤ 18 ppm
Zinc	≤ 1400 ppm
Physical contaminants((1))	≤ ((1)) 0.5 percent by dry weight total, not to exceed ((.25)) 0.1 percent film plastic by dry weight
Sharps	0
pH	5 - 10 (range)
Biological stability((2)) 1	Moderately unstable to very stable
Fecal coliform((3)) 2	< 1,000 Most Probable Number per gram of total solids (dry weight)
OR	
Salmonella	< 3 Most Probable Number per 4 grams of total solids (dry weight)

((1 ~~A label or information sheet must be provided with compost that exceeds .1 percent by weight of film plastic. See WAC 173-350-220 (6)(f)(iii)(D)(I).~~))

((2)) 1 Tests for biological stability must be done as outlined in the United States Composting Council Test Methods for the Examination of Composting and Compost unless otherwise approved by the jurisdictional health department.

((3)) 2 Test for either fecal coliform or salmonella as most appropriate for the feedstocks and as approved by the jurisdictional health department as part of the permitting process. Default is to test for fecal coliform unless otherwise approved. Permit exempt facilities must test for fecal coliform.

Note: Biosolids composters regulated under this chapter must communicate with the ((~~jurisdictional health~~)) department to determine if different testing parameters and testing frequencies are required.

((~~(b) Inspect the facility to prevent malfunctions and deterioration, operator errors and discharges that may cause or lead to the release of waste to the environment or a threat to human health. Inspections must be conducted at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process.~~

~~(c) For compost facilities with leachate holding ponds, conduct regular liner inspections at least once every five years, unless an~~

~~alternate schedule is approved by the jurisdictional health department as part of the permitting process. The frequency of inspections must be specified in the operations plan and must be based on the type of liner, expected service life of the material, and the site-specific service conditions:~~

~~(i) Inspect the liner for degradation and ruptures of the liner material and for failure of any seams or joints in the liner material. If the maximum wetted extent of the liner geomembrane cannot be directly inspected visually, then the liner must be tested for leaks by electrical leak detection survey methods. If leaks, degradation, or ruptures of the liner material are detected, the liner must be repaired; and~~

~~(ii) The jurisdictional health department must be given sufficient notice and have the opportunity to be present during liner inspections. An inspection record must be kept at the facility or other convenient location if permanent office facilities are not on-site, for at least five years from the date of inspection. Inspection records must be available to the jurisdictional health department upon request.~~

~~(d) Maintain operating records of the following:~~

~~(i) Daily temperatures representative of compost piles;~~

~~(ii) Additional process monitoring data as prescribed in the plan of operation;~~

~~(iii) Results of analyses for composted materials as required in (a)(x) of this subsection and Table 220-B; and~~

~~(iv) Facility inspection reports must be maintained in the operating record. Significant deviations from the plan of operation must be noted in the operating record. Records must be kept for a minimum of five years and must be available upon request by the jurisdictional health department.~~

~~(e)~~)) (v) A description of how the owner or operator will ensure the facility is operated in a way to:

(A) Control litter, dust, and nuisance odors;

(B) Control rodents, insects, birds, and other vectors;

(C) Remove waste from the tipping floor at a frequency approved by the jurisdictional health department; and

(D) Ensure that handling of waste capable of attracting birds does not pose an aircraft safety hazard and meet federal aviation administration requirements.

(vi) Ensure the facility operates under the supervision and control of properly trained operators during all hours of operation. Facility employees must receive training in appropriate facility operations, maintenance procedures, and safety and emergency procedures according to individual job duties. Operator training to include required reading of the approved plan of operation for employees with responsibilities for compliance with this section. A trained supervisor may provide appropriate training to employees responsible for daily operations.

(vii) A description of how operators will inspect and maintain the facility to prevent malfunctions, deterioration, operator errors, and discharges that may cause or lead to the release of wastes to the environment or a threat to human health. The plan must include the inspection form operators will use. Inspections must be conducted as needed, but at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. For compost facilities with leachate holding ponds, conduct regular liner inspections no less frequently than every five years.

The frequency and methods of inspections must be specified in the operations plan and must be based on the type of liner, expected service life of the material, and the site-specific service conditions:

(A) Inspect the liner for degradation and ruptures of the liner material and for failure of any seams or joints in the liner material. If the maximum wetted extent of the liner geomembrane cannot be directly inspected visually, then the liner must be tested for leaks by electrical leak detection survey methods. If leaks, degradation, or ruptures of the liner material are detected, the liner must be repaired; and

(B) The jurisdictional health department must be given sufficient notice and have the opportunity to be present during liner inspections.

(viii) A description of how operators will maintain operating records on the amounts (weight or volume) and types of waste received and removed from the facility, amount of compost distributed or used on-site. The plan must include the form used to record this information. Laboratory test records must be maintained in the operating record. Facility annual reports must be maintained in the operating record. Facility inspection reports must be maintained in the operating record, including at least the date of inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action. Significant deviations from the plan of operation must be noted in the operating record. Records must be kept for a minimum of five years and must be available upon request by the jurisdictional health department. Additionally, operators must maintain compost records including:

(A) Daily temperatures representative of composting materials;

(B) Additional process monitoring data as prescribed in the plan of operation;

(C) Laboratory test records of analyses for composted materials as required in (a)(x) of this subsection and Table 220-B;

(ix) Safety and emergency plans;

(x) A progressive odor management plan including, but not limited to, the following components:

(A) Methods for treating emissions to reduce odors, if any;

(B) A community relations plan to address odor issues should they arise; and

(C) A plan describing facility and operational improvements that could be made if nuisance odors are identified beyond the facility's property boundary as determined by the jurisdictional health department, the department, or the permitting air authority. The description of operational improvements must address feedstock receiving, processing, leachate systems, and processed material storage areas of the facility.

(xi) Other details to demonstrate that the facility will be operated according to this subsection and as required by the jurisdictional health department.

(b) Prepare and submit an annual report to the jurisdictional health department and the department by April 1st of each calendar year on forms provided by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantity and type of feedstocks received ((~~and~~)), compost produced, ((~~in cubic yards or tons~~)) and waste disposed;

(iv) Annual quantity and destination of composted material sold or distributed((~~, in cubic yards or tons~~));

(v) Annual ((~~summary of~~)) laboratory ((~~analysis~~)) results summary of composted material from the accredited laboratory for the reporting year. Total number of lab results submitted should be based on required testing frequency; and

(vi) Any additional information required by the department or the jurisdictional health department ((~~as a condition of the permit~~)).

((~~(f) Develop, keep, and follow a plan of operation approved as part of the permitting process. The plan of operation must convey to site personnel the concept of operation intended by the designer. The plan of operation must be kept on-site and be available for inspection at the request of the jurisdictional health department. If necessary, the plan must be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation must include the following:~~

~~(i) List of feedstocks to be composted, including a general description of the source of feedstocks. Feedstocks must be approved by the department or jurisdictional health department;~~

~~(ii) A plan to control air contaminants such as dust and nuisance odors to prevent contaminants from migrating beyond property boundaries in accordance with WAC 173-350-040(3), including:~~

~~(A) A description of how staff will document and respond to nuisance odor complaints should they arise. The plan must include date and time of complaints, weather conditions, and operations at the facility at the time of the complaint, and a summary of actions taken;~~

~~(B) A description of facility and operational features to prevent nuisance odors beyond the facility's property boundary, as determined by the jurisdictional health department, the department, or the air authority. The description must address the receiving, composting, curing, and storage areas of the facility;~~

~~(C) A description of facility maintenance activities that encompass nuisance odor prevention and control, such as acquiring critical odor control backup equipment in the event of a breakdown, a schedule for purging aeration lines and changing biofilter media as appropriate, and a schedule for cleaning leachate ponds or leachate storage tanks as appropriate; and~~

~~(D) A description of how feedstocks with high moisture or the potential for high odors will be managed to reduce nuisance odors upon receipt, and through the composting process.~~

~~(iii) A description of how wastes and organic materials including incoming feedstocks, composting, curing, and composted materials are to be handled on-site during the facility's active life, including:~~

~~(A) Maximum site capacity in cubic yards for all materials on-site at any one time. The jurisdictional health department may require cumulative capacity for materials or separate capacities for incoming feedstocks, composting, curing, and composted materials, or any combination;~~

~~(B) Processing capacity in tons or cubic yards of solid waste feedstocks processed in a given amount of time. The jurisdictional health department may require monthly or annual processing capacity;~~

~~(C) Procedures and criteria for ensuring that only the feedstocks described will be accepted. This includes a plan for rejecting feedstocks contaminated with greater than five percent physical contaminants by volume, or a plan to accept and separate contaminated loads from noncontaminated loads, and reduce physical contaminants to an acceptable level prior to composting;~~

~~(D) Procedure to reduce physical contaminants in composted material to meet testing parameters in Table 220-B. Grinding to reduce the size of physical contaminants does not meet the requirements of this section;~~

~~(I) Compost facilities must provide a label or information sheet to purchasers of compost that exceeds .1 percent film plastic by weight but does not exceed .25 percent film plastic by weight. The label or information sheet must include the statement in subsection (4)(f)(iii)(D)(II) of this section, or equivalent language approved by jurisdictional health department or the department.~~

~~(II) "This compost does not meet Department of Ecology standards for film plastic content for unrestricted use. This compost may only be used in locations where a means of removing or containing the film plastic on-site is put in place promptly after use. Acceptable controls include removal from the site, incorporation, planting, covering with soil or another media, or containment in a compost sock or similar device. This product may not be used adjacent to regulated waters of the state (e.g., wetlands, streams, lakes) or in environmentally sensitive areas."~~

~~(E) Procedures for handling unacceptable wastes;~~

~~(F) A discussion on types and amounts of feedstocks including basic calculations showing that the facility will be able to achieve an acceptable mix of materials for efficient decomposition;~~

~~(G) Material flow plan describing general procedures to manage all materials on-site from incoming feedstock to composted material;~~

~~(H) A description of equipment, including equipment to add water to compost as necessary;~~

~~(I) Compost process monitoring plan, including compost mix (carbon to nitrogen ratio), temperature, moisture, and porosity;~~

~~(J) Pathogen reduction plan;~~

~~(K) Representative sampling and analysis plan for the composted material such as described in the 2002 U.S. Composting Council Test Methods for the Examination of Composting and Compost Method 02.01-A through E;~~

~~(L) Leachate management plan, including monthly precipitation and evaporation data, and if applicable, monthly leachate reuse or removal; and~~

~~(M) Stormwater management plan.~~

~~(iv) A description of how equipment, structures, and other systems are to be inspected and maintained, including the frequency of inspections and inspection logs;~~

~~(v) A description of how facility staff will receive appropriate training in the operation of the facility, including how they will be trained to identify nuisance odors and how to correct them;~~

~~(vi) A community relations plan describing how the owner or operator will document and manage complaints;~~

~~(vii) Safety, fire, and emergency plans;~~

~~(viii) Forms for recordkeeping of daily volumes or weights of incoming feedstocks by type, outgoing composted material, and process monitoring results; and~~

~~(ix) Other details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.~~

~~(g) Manage composted material piles that have met the testing parameters in Table 220-B in the following manner:~~

~~(i) Comply with the performance standards of WAC 173-350-040;~~

~~(ii) Minimize and control runoff from composted material piles through the use of covers, diversion swales, berms, ditches, or other features designed to prevent runoff and divert stormwater from compost material; and~~

~~(iii) Minimize odor by maintaining porosity of composted material piles and managing moisture levels in composted material piles, not to exceed sixty percent moisture.~~))

(7) **Composting facilities - Permit requirements - Groundwater monitoring.** There are no specific groundwater monitoring requirements for composting facilities subject to this chapter; however, composting facilities must meet the performance standards of WAC 173-350-040.

(8) **Composting facilities - Permit requirements - Closure.** The owner or operator of a composting facility must develop, keep, and follow a closure plan that includes:

(a) ((~~Notify~~)) Notification to the jurisdictional health department ((~~sixty~~)) 60 days in advance of closure((~~. At closure, the facility owner or operator is financially responsible for the~~));

(b) Removal of all solid waste((~~,~~)) including, but not limited to, raw or partially composted feedstocks, composted material, and leachate from the facility. The materials must be sent to another facility that ((~~complies~~)) conforms with the applicable regulations for handling the waste; and

((~~(b) Develop, keep, and follow a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan must include~~)) (c) Methods of removing solid waste, composted material, leachate, and other organic materials from the facility. For planning purposes, assume that the facility is at full((~~, permitted~~)) site capacity at the time of closure.

(9) **Composting facilities - Permit requirements - Financial assurance.** There are no specific financial assurance requirements for composting facilities subject to this chapter; however, composting facilities must meet the performance standards of WAC 173-350-040.

(10) **Composting facilities - Permit application contents.** The owner or operator of a composting facility must obtain a solid waste permit from the jurisdictional health department. All applications for permits must be submitted ((~~in accordance with~~)) according to the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit must contain:

(a) Engineering reports, plans, and specifications that address the design standards of subsections (4) and (5) of this section;

(b) A plan of operation meeting the requirements of subsection (6) of this section; ((~~and~~))

(c) A closure plan meeting the requirements of subsection (8) of this section; and

(d) Any additional information required by written notification of the jurisdictional health department.

(11) **Composting facilities - Designation of composted materials.** When used on-site or distributed off-site, composted materials meeting the testing parameters of Table 220-B are no longer subject to this chapter. Composted materials that do not meet these requirements are solid waste and subject to management under chapter ((~~70.95~~)) 70A.205 RCW, Solid waste management—Reduction and recycling.

AMENDATORY SECTION (Amending WSR 18-17-008, filed 8/1/18, effective 9/1/18)

WAC 173-350-225 Other organic materials handling ((~~activities~~)) facilities. (1) ((~~In accordance with RCW 70.95.305, activities identified in this section are exempt from solid waste handling permitting when in compliance with the terms and conditions of this section. Any person engaged in the activities in this section that does not comply with the terms and conditions of this section is required to obtain a permit from the jurisdictional health department in accordance with the requirements of WAC 173-350-490. In addition, violations of the terms and conditions of this section may be subject to the enforcement provisions of RCW 70.95.315.~~)) **Other organic materials handling facilities - Applicability.**

(a) These standards apply to other organic materials handling facilities that treat solid or liquid waste as defined in this chapter.

(b) These standards do not apply to:

(i) Composting facilities subject to WAC 173-350-220;

(ii) Solid waste that is beneficially used and approved according to the procedures of WAC 173-350-200 or 173-350-230;

(iii) Anaerobic digesters subject to WAC 173-350-250, or treatment of other liquid waste or semisolid wastes in tanks regulated under WAC 173-350-330;

(2) **Other organic materials handling facilities - Permit exemptions.**

(a) Except for facilities specified in (b) of this subsection, according to RCW 70A.205.265, facilities managed in compliance with standards for exemption under this subsection are exempt from the permit requirements of this chapter. If an owner or operator does not comply with the standards for exemption under this subsection, the facility may be subject to permit requirements under this chapter, the department's enforcement provisions for exempt facilities in RCW 70A.205.280, and other enforcement provisions in chapter 70A.205 RCW.

(b) Facilities that operate within and as an integral part of facility requiring a solid waste handling permit under this chapter must be covered under that permit and are not permit-exempt, but may operate in compliance with the standards for exemption under this subsection. For such facilities, the owner or operator must provide the jurisdictional health department information in the facility's plan of operation to show how they will meet the standards of this subsection. If an owner or operator does not comply with this subsection, the facility may be subject to permit requirements under this chapter, the jurisdictional health department's enforcement provisions for facilities subject to permit, and other enforcement provisions in chapter 70A.205 RCW.

(c) For the purposes of this subsection, "material on-site at any one time" includes feedstocks, active processing, and processed materials.

Table 225-A
Terms and Conditions for Solid Waste Permit Exemptions

	Organic Materials	Volume	Specific Requirements for Activity or Operation
(1)	All organic feedstocks	((~~No more than 5,000~~)) Up to 1,000 gallons of liquid or semi-solid material or 25 cubic yards of solid material on-site at any one time.	All systems - All material must be generated on-site. No notification, reporting or testing requirements.
(2)	All organic feedstocks	Greater than 25 but no more than 250 cubic yards of material ((~~generated on- or off-site, or up to 1,000 cubic yards of material generated~~)) on-site at any one time.	Exemption applies to ((~~vermicomposting~~)) vermiculture, black soldier fly production, or similar raising of other beneficial organisms only. ((~~Vermicomposting~~)) Facilities managing more than 25 cubic yards of any organic material must meet the following conditions: (a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department. (b) Facilities that distribute processed organic materials off-site must test material every 5,000 cubic yards or annually, whichever is more frequent, to demonstrate physical contaminants are equal to or less than 0.5 percent by dry weight and 0.1 percent film plastic by dry weight; and (c) Submit annual reports and summary of laboratory analysis to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information: (i) Name and address of the operation; (ii) Calendar year covered by the report; (iii) Annual quantities and types of waste received, materials recovered or recycled, and waste disposed; (iv) Destination of materials; and (v) Any additional information required by the department.
(3)	Pre-consumer vegetative food waste Yard debris Crop residues Manure and bedding Bulking agents	Greater than ((~~25~~)) 250 but no more than 1,000 cubic yards of material on-site at any one time.	Exemption applies to ((~~vermicomposting~~)) vermiculture only. ((~~Vermicomposting~~)) Vermiculture facilities managing more than ((~~25~~)) 250 cubic yards of ((~~only the listed feedstocks~~)) organic materials must meet the following conditions: (a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department((.));

	Organic Materials	Volume	Specific Requirements for Activity or Operation
			(b) Facilities that distribute ((~~material off-site must submit annual reports to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department.~~)) processed organic materials off-site must test every 5,000 cubic yards or annually, whichever is more frequent, to demonstrate physical contaminants are equal to or less than 0.5 percent by dry weight and 0.1 percent film plastic by dry weight; and (c) Submit annual reports and results of laboratory analysis to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information: (i) Name and address of the operation; (ii) Calendar year covered by the report; (iii) Annual quantities and types of waste received, materials recovered or recycled, and waste disposed; (iv) Destination of materials; and (v) Any additional information required by the department.
(4)	Agricultural wastes Bulking agents	No upper limit.	Exemption applies to vermiculture of agricultural wastes and bulking agents on-farm only. All organic materials except bulking agents must be generated on-farm. Facilities that distribute material off-site must meet the following conditions: (a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department. (b) Submit annual reports to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information: (i) Name and address of the operation; (ii) Calendar year covered by the report; (iii) Annual quantities and types of waste received, materials recovered or recycled, and waste disposed; (iv) Destination of materials; and (v) Any additional information required by the department.

	Organic Materials	Volume	Specific Requirements for Activity or Operation
(5)	All organic feedstocks	Greater than ((~~5,000~~)) 1,000 but no more than 50,000 gallons of liquid or semi-solid material on-site at any one time; or Greater than 25 but no more than 250 cubic yards of ((~~nonliquid~~)) solid material on-site at any one time.	Other conversion technologies managing more than ((~~5,000~~)) 1,000 gallons liquid or semi-solid or 25 cubic yards of ((~~nonliquid~~)) solid material must meet the following conditions: (a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notification must be submitted on a form provided by the department. (b) Facilities that distribute material off-site must test every 5,000 cubic yards or annually, whichever is more frequent, to demonstrate physical contaminants are equal to or less than 0.5 percent by dry weight and 0.1 percent film plastic by dry weight and meet the following conditions: (i) Sample and test liquid material every ((~~1 million~~)) 1,000,000 gallons or annually, whichever is more frequent or sample and test solid material every 5,000 cubic yards or ((~~once per year~~)) annually for solids, whichever is more frequent, to demonstrate it meets compost quality standards of WAC ((~~173-350-220(4) (Table 220-B)~~)) 173-350-220 Table 220-B before it is distributed for off-site use; or (ii) ((~~Ensure~~)) Send material to a compliant permitted organic materials management facility for further treatment; or (iii) Register material ((~~meets the conditions for~~)) as a commercial fertilizer as applicable in chapter 15.54 RCW, Fertilizers, minerals, and limes; or (((~~(iii) Send material to a compliant permitted or conditionally exempt compost facility for further treatment to meet compost quality standards; or~~)) (iv) Land apply material ((~~in accordance with~~)) according to WAC 173-350-230, Land application; or (v) Use material ((~~in accordance with~~)) according to WAC 173-350-200, Beneficial use permit exemption; or (vi) Process or manage material in an alternate manner approved by the department ((~~or the jurisdictional health department~~)). (c) Submit annual reports and summary of laboratory analysis to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information: (i) Name and address of the facility; (ii) Calendar year covered by the report;

	Organic Materials	Volume	Specific Requirements for Activity or Operation
			(iii) Annual quantities and types of waste received, materials recovered or recycled, and waste disposed; (iv) Destination of materials; and (v) Any additional information required by the department.
(6)	Clean wood waste Low-grade wood waste	Greater than 25 but no more than 2,000 cubic yards on-site at any time.	Exemption applies to manufacturing mulch from clean wood waste only, or fuel from clean or low-grade wood waste. Clean and low-grade wood wastes may not be commingled unless manufacturing a fuel product only. (a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department. (b) Submit annual reports to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information: (i) Name and address of the facility; (ii) Calendar year covered by the report; (iii) Annual quantities and types of waste received, materials recovered or recycled, and waste disposed; (iv) Destination of materials; and (v) Any additional information required by the department.
(7)	Emergency animal mortalities Bulking agents	No upper limit.	Exemption applies to land application of processed animal mortalities only when management method is approved by Washington state department of agriculture (WSDA) and state veterinarian. Material not meeting the compost quality standards in WAC 173-350-220 Table 220-B may be land applied at agronomic rates when application is approved and overseen by WSDA and state veterinarian.

((~~(2) Facilities managing under the rules and volumes of material described in Table 225-A above are conditionally exempt facilities when they meet the following conditions:~~

~~(a)~~)) (d) Comply with the performance standards of WAC 173-350-040;

((~~(b) Allow inspections by the department and/or jurisdictional health department at reasonable times to verify compliance with the conditions specified in this subsection;~~

~~(c)~~)) (e) Manage the operation to prevent the migration of agricultural pests identified by local horticultural pest and disease control boards, as applicable;

(f) Control litter, dust, and nuisance odors to prevent migration beyond the property boundaries;

(g) Manage the operation to prevent attraction of flies, rodents, birds, and other vectors;

((~~(d) Control nuisance odors to prevent migration beyond property boundaries; and~~

~~(e) Manage the operation to prevent the migration of agricultural pests identified by local horticultural pest and disease control boards, as applicable.~~)) (h) Allow inspections by the department and jurisdictional health department at reasonable times;

(i) If testing is required, provide laboratory test records upon request by the department or jurisdictional health department;

(j) Limit physical contamination in incoming feedstocks to no more than five percent by volume; and

(k) Exclude feedstocks when necessary to comply with restrictions to prevent spread of animal diseases such as, but not limited to, chronic wasting disease.

(3) **Other organic materials handling facilities - Permit requirements - Location.** There are no specific location standards for other organic material handling facilities subject to this chapter; however, other organic material handling facilities must meet the performance standards of WAC 173-350-040.

Note: When considering facility location, please review the U.S. Department of Transportation Federal Aviation Advisory Circular No. 150/5200-33C (or as updated), Hazardous Wildlife Attractants on or near Airports.

(4) **Other organic materials handling facilities - Permit requirements - Design.** Other organic material handling facilities must be designed so that the facilities can be operated to meet the performance standards of WAC 173-350-040, and the following design standards:

(a) Control public access, and prevent unauthorized vehicular traffic and illegal dumping of waste;

(b) Be sturdy and constructed of easily cleanable materials;

(c) Provide effective means to control rodents, insects, birds, and other vectors;

(d) Provide effective means to control litter including, but not limited to, orientation of the tipping floor in a manner that prevents prevailing winds from moving waste outside the collection area when other structures are not in place to prevent this;

(e) Provide calculation for maximum site capacity in cubic yards or gallons for all materials on-site at any one time based on volume and number of piles, or capacity of vessels, and other considerations. This total must include the capacities for incoming feedstocks, active processing, and processed materials areas;

(f) Provide calculations for processing capacity in weight or volume of feedstocks per month. This must include pile and/or vessel process retention times in all areas as well as the site capacity above;

(g) Ensure all surfaces where organics are managed are made of impervious material such as concrete or asphalt to prevent soil and groundwater contamination. The surface must be durable enough to withstand equipment. The jurisdictional health department may approve another type of surface if the applicant can demonstrate that it will prevent soil and groundwater contamination;

(h) Cover the tipping floor to protect it from precipitation, or provide stormwater management systems including run-on prevention and runoff conveyance, storage, and treatment;

(i) Convey leachate, if likely to be generated, from the tipping floor and any areas likely to collect leachate to a surface impound-

ment, tank, or sanitary sewer, or use other methods approved by the jurisdictional health department to prevent uncontrolled discharge;

(j) Provide stormwater runoff collection and discharge and prevent run-on from a twenty-five-year storm;

(k) Provide pollution control measures to protect air quality; and

(l) Provide all-weather surfaces for vehicular traffic; and

(m) Other design features as needed for the type of operation proposed as required by the jurisdictional health department.

(5) **Other organic materials handling activities - Permit requirements - Documentation.**

(a) The owner or operator of a facility who proposes any addition or modification of elements described in subsection (4) of this section or otherwise necessary to meet other standards of this chapter must submit facility drawings and construction documents to the jurisdictional health department for review and approval. Facility drawings must be to scale and include the location and size of waste handling areas, fixed equipment, buildings, stormwater management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation;

(b) The owner or operator may not begin operation in an added or modified portion of the facility until the jurisdictional health department has approved the completed addition or modification in writing;

(c) For engineered features proposed to meet standards and criteria of subsection (4) of this section or other standards of this chapter, construction documents must be prepared by a professional engineer registered in the state of Washington and submitted to the jurisdictional health department, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features. The engineering report must demonstrate that the proposed design will meet the standards of this chapter;

(ii) Design specifications for the engineered features of the facility as applicable; and

(iii) For new construction, a construction quality assurance plan that describes monitoring, testing, and documentation procedures that will be performed during construction to ensure engineered features are constructed in accordance with the approved design.

(iv) Following construction completion, construction record drawings for engineered features and a report documenting the construction, including the results of observations and any testing carried out as part of the construction quality assurance plan. The owner or operator may not begin operation in a newly constructed or modified engineered feature of the facility until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering documents and has approved the construction documentation in writing.

(6) **Other organic materials handling facilities - Permit requirements - Operating.** The owner or operator of another organic materials handling facility must:

(a) Operate the site in compliance with the performance standards of WAC 173-350-040 and this subsection. In addition, the owner or operator must develop, keep, and follow a plan operation approved as part of the permitting process. The plan of operation must be available for inspection at the request of the jurisdictional health department. If necessary, the plan must be modified with the approval, or at

the direction of, the jurisdictional health department. The plan must be available in languages that employees can read. Each plan of operation must include the following:

(i) A description of the types of wastes to be handled at the facility. Feedstocks must be approved by the jurisdictional health department and must contain no more than five percent physical contaminants by volume;

(ii) A description of the procedures used to ensure that dangerous waste and other unacceptable waste are not accepted at the facility;

(iii) A description of procedures and criteria for ensuring that only the feedstocks described will be accepted. This includes a plan for rejecting feedstocks contaminated with greater than five percent physical contaminants by volume. The facility is not considered to have taken ownership of rejected loads;

(iv) A description of how all materials are to be handled on-site, including receiving, processing, storage, maximum site capacity, methods of adding or removing materials from the facility and equipment used, and how operators will ensure adequate capacity at all times. All materials on-site include incoming feedstock, active processing materials, and processed materials; and

(v) A description of the end use of processed materials and representative sampling and testing of the materials. This description must include how the operator will:

(A) Test processed solid material every 5,000 cubic yards or every three months, whichever is more frequent, and processed liquid material every 1,000,000 gallons or every three months, whichever is more frequent, to demonstrate material contains equal to or less than 0.5 percent physical contaminants by dry weight, and 0.1 percent film plastic by dry weight. An accredited laboratory must be used for all analysis. An alternative frequency may be approved by the jurisdictional health department; and

(B) Test processed solid material every three months or 5,000 cubic yards, whichever is more frequent, and processed liquid material every three months or 1,000,000 gallons, whichever is more frequent, to demonstrate it meets compost quality standards of WAC 173-350-220 Table 220-B before it is distributed for off-site use. An alternate testing frequency may be approved by the jurisdictional health department; or

(C) Send material to a permitted organic materials handling facility for further processing; or

(D) Register the material as a commercial fertilizer as applicable in chapter 15.54 RCW, Fertilizers, minerals, and limes; or

(E) Land apply material according to WAC 173-350-230 Land application; or

(F) Use material according to WAC 173-350-200 Beneficial use permit exemption; or

(G) For worm castings, manage in the same manner as manure; or

(H) Manage material in an alternate manner as approved by the jurisdictional health department.

(vi) A calculation of monthly processing capacity based on maximum volume (cubic yards or gallons) of all materials on-site at any one time. All materials on-site include feedstocks, active processing materials, and processed material;

(vii) A description of how the owner or operator will ensure the facility is operated in a way to:

(A) Control litter, dust, and nuisance odors;

(B) Control rodents, insects, birds, and other vectors;

(C) Remove waste from the tipping floor at a frequency approved by the jurisdictional health department;

(D) Ensure that waste capable of attracting birds do not pose an aircraft safety hazard including compliance with federal aviation administration requirements;

(E) Provide attendant(s) on-site during hours of waste acceptance. Materials may be transferred after hours without an attendant on-site if other controls approved by the jurisdictional health department are in place; and

(F) Remove or otherwise manage leachate from containment structure(s) to prevent soil and/or groundwater contamination, if applicable.

(viii) A description of how facility staff will be appropriately trained in facility operations, maintenance procedures, and safety and emergency procedures according to individual job duties. Operator training to include required reading of the approved plan of operation for employees with responsibilities for compliance with this section.

(ix) A description of how operators will inspect and maintain the facility to prevent malfunctions, deterioration, operator errors, and discharges that may cause or lead to the release of wastes to the environment or a threat to human health. The plan must include the inspection form operators will use. Inspections must include the surface on which wastes are placed, or tank or impoundment in which they are stored or treated, and the leachate and stormwater control systems. Inspections must be as needed, but at least weekly, to ensure the facility is meeting the operational standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(x) A description of how operators will maintain operating records on the amounts (weight or volume) and the types of waste received and removed from the facility, amounts of processed waste distributed or used on-site, and end use of processed material. The plan must include the form used to record this information. Laboratory test records must be maintained in the operating record. Facility annual reports must be maintained in the operating record. Facility inspection reports must be maintained in the operating record, including at least the date of inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action. Significant deviations from the plan of operation must be noted in the operating record. Records must be kept for a minimum of five years and must be available upon request by the jurisdictional health department;

(xi) Safety and emergency plans;

(xii) A progressive odor management plan including, but not limited to, the following components:

(A) Methods for treating emissions to reduce odors, if any;

(B) A community relations plan to address odor issues should they arise; and

(C) A plan describing facility and operational improvements that could be made, if nuisance odors are identified beyond the facility's property boundary, as determined by the jurisdictional health department, the department, or the permitting air authority. The description of operational improvements must address feedstock receiving, processing, leachate systems (if applicable), and processed material storage areas of the facility.

(xiii) Other details to demonstrate that the facility is operated according to this chapter and as required by the jurisdictional health department.

(b) Prepare and submit an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and shall include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantities and types of feedstocks received, processed material produced, and waste disposed;

(iv) Destination of materials;

(v) Annual laboratory results summary of material from the accredited laboratory for the reporting year. Total number of lab results submitted should be based on required testing frequency; and

(vi) Any additional information required by the department or the jurisdictional health department.

(7) **Other organic materials handling facilities - Permit requirements - Groundwater monitoring.** There are no specific groundwater monitoring requirements for other organic material handling facilities subject to this chapter; however, facilities must meet the performance standards of WAC 173-350-040.

(8) **Other organic material handling facilities - Permit requirements - Closure.** The owner or operator of a facility must develop, keep, and follow a closure plan that includes:

(a) Notification to the jurisdictional health department 60 days in advance of closure;

(b) Removal of all waste material and processed material to a facility that conforms with the applicable regulations for handling the waste; and

(c) Method of removing waste material.

(9) **Other organic materials handling facilities - Permit requirements - Financial assurance.** There are no specific financial assurance requirements for other organic material handling facilities subject to this chapter; however, facilities must meet the performance standards of WAC 173-350-040.

(10) **Other organic materials handling facilities - Permit application contents.** The owner or operator of other organic material handling facilities must obtain a solid waste permit from the jurisdictional health department. All applications for permits must be according to the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each permit application must contain:

(a) Engineering reports, plans, and specifications that address the design standards of subsections (4) and (5) of this section;

(b) A plan of operation that addresses the requirements of subsection (6) of this section;

(c) A closure plan meeting the requirements of subsection (8) of this section; and

(d) Any additional information required by written notification of the jurisdictional health department.

AMENDATORY SECTION (Amending WSR 18-17-008, filed 8/1/18, effective 9/1/18)

WAC 173-350-230 Land application. (1) **Land application - Applicability.**

(a) These standards apply to solid waste or liquid waste as defined in this chapter that is beneficially used on the land through application at an agronomic rate, as a soil amendment, or for land reclamation.

(b) These standards do not apply to:

(i) Land application of manure and bedding, worm castings, crop residue, and on-farm vegetative waste at agronomic rates as excluded under WAC 173-350-020;

(ii) Land application of solid waste exempted from permitting under WAC 173-350-200;

(iii) Solid waste used to improve the engineering characteristics of soil;

(iv) Land application of composted materials as defined in WAC 173-350-100;

(v) Land application of ((~~vermicompost and~~)) organic materials meeting the terms and conditions for permit exemption or permitting requirements of WAC 173-350-225 when a management method in the standards other than a land application permit under WAC 173-350-225 is used; and

(vi) Land application of digestate meeting the terms and conditions for permit exemption or permitting requirements of WAC 173-350-250 when a management method in the standards other than a land application permit under WAC 173-350-250 is used.

(2) **Land application - Permit exemptions.** There are no permit exemptions for land application.

(3) **Land application - Permit requirements - Location.** There are no specific location standards for land application of solid waste subject to this chapter; however, land application sites must meet the performance standards of WAC 173-350-040.

(4) **Land application - Permit requirements - Design.** There are no specific design standards for land application of solid waste subject to this chapter; however, land application sites must meet the performance standards of WAC 173-350-040.

(5) **Land application - Permit requirements - Documentation.** There are no specific engineering or construction documentation requirements; however, land application sites must meet the performance standards of WAC 173-350-040.

(6) **Land application - Permit requirements - Operation.** The owner or operator of a land application site must:

(a) Operate the site in compliance with the performance standards of WAC 173-350-040 and this section. In addition the owner or operator must develop, keep, and follow a plan of operation approved as part of the permitting process. The plan of operation must be available for inspection at the request of the jurisdictional health department. If necessary, the plan may be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation must include the following:

(i) A description of the types of solid wastes to be land applied;

(ii) A description of the processes by which the solid waste is generated and treated;

(iii) A description of the characteristics of the waste that provide agronomic, soil-amending, or reclamation capability;

(iv) A waste monitoring plan that ((~~provides representative characterization of the waste over time~~)) includes representative sampling and characterization of the waste prior to land application. At a minimum, waste must be analyzed for organic nitrogen, nitrate-nitrogen, and ammonium-nitrogen reported on a dry weight basis; for waste likely to contain physical contaminants, an analysis of physical contaminants that demonstrate the waste contains less than or equal to 0.5 percent physical contaminants by dry weight and less than or equal to 0.1 percent film plastic by dry weight; other parameters that demonstrate beneficial use if applicable; and other parameters as required by the jurisdictional health department. Results must be maintained in the operating record;

(v) A soil monitoring plan that includes representative sampling and characterization of land application sites prior to receiving waste. At a minimum, soils must be analyzed in the upper three feet of soil in one-foot increments to measure plant available nitrogen, other parameters that demonstrate beneficial use if applicable, and other parameters as required by the jurisdictional health department. Results must be used to calculate appropriate application rates as required in this section. Results must be maintained in the operating record;

(vi) A description of how the owner or operator will ensure that land application occurs at a predictable application rate determined as follows:

(A) For agricultural applications, solid waste must be applied to the land at a rate that does not exceed the agronomic rate. The agronomic rate should be based on Washington State University cooperative extension service fertilizer guidelines or other appropriate resources accepted by the jurisdictional health department;

(B) For the purposes of land reclamation or other soil amending activities, the application rate may be designed, for example, to achieve a soil organic matter content or other soil physical characteristics to promote long-term soil productivity, with consideration of the carbon-to-nitrogen ratio to control nutrient leaching; and

(C) For liquid wastes, the application rate must also be based on soil permeability and infiltration rate.

((~~(vi)~~)) (vii) A description of how the owner or operator will determine the application rate that accounts for the characteristics of the waste to be applied, characteristics of receiving site soils, irrigation practices, climate, and the crop to be grown;

((~~(vii)~~)) (viii) A description of the process, system, and equipment that will be used to apply the waste that explains:

(A) How the equipment and system will be calibrated to deliver waste at the appropriate rate;

(B) Whether the waste will be allowed to remain on the surface of the land, tilled into the soil, or injected into the soil at the time of application;

(C) When the waste will be applied to the land relative to crop and livestock management practices; and

(D) Any restrictions on application related to climatic factors including typical precipitation, twenty-five-year storm events, temperature, wind, frozen soils, saturated soils, or seasonal high groundwater.

((~~(viii)~~)) (ix) A description of how the waste will be managed at all points during storage and application to control attraction to

vectors and to mitigate nuisance odor impacts (unless exempted under chapter ((~~70.94~~)) 70A.15 RCW, Washington Clean Air Act), including a description of how owners or operators will respond to complaints;

((~~(ix)~~)) (x) If the seasonal high groundwater is three feet or less below the surface, a management plan describing how groundwater will be protected;

((~~(x)~~)) (xi) For waste stored in piles at the land application site, a description of how the owner or operator will ensure that:

(A) Contamination of groundwater, surface water, air, and land during storage is prevented;

(B) The potential for combustion within the pile is minimized;

(C) The duration of storage of the entire pile is limited to one year and limited to the amount that will be applied to the site during a one-year period according to the plan of operation, or less if the jurisdictional health department believes it is necessary to prevent the contamination of groundwater, surface water, air, or land. Subsequent accumulation under the same conditions is allowed at the same location after the entire pile has been used; and

(D) For piles that will not meet conditions of (xi)(A) through (C) of this subsection, a demonstration that the owner or operator will meet the requirement of WAC 173-350-320.

((~~(xi)~~)) (xii) For waste stored in piles somewhere other than the land application site, a description of how the owner or operator will meet the requirements of WAC 173-350-320;

((~~(xii)~~)) (xiii) For storage of liquid waste or semisolid waste in surface impoundments or tanks, a description of how the owner or operator will meet the requirements of WAC 173-350-330;

((~~(xiii)~~)) (xiv) A description of how the owner or operator will maintain operating records of the location where waste is applied, amount and type of waste applied, the crop planted, and other nutrient inputs, including the form or computer printout used to record this information. Facility annual reports must be maintained in the operating record. Significant deviations from the plan of operation must be noted in the operating record. Records must be kept for a minimum of five years and be available upon request by the jurisdictional health department; and

((~~(xiv)~~)) (xv) Other details to demonstrate that the facility will be operated ((~~in accordance with~~)) according to this subsection and as required by the jurisdictional health department.

(b) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report must detail the land application activities during the previous calendar year and must include the following information:

(i) Address or legal description of where waste was land applied;

(ii) Calendar year covered by the report;

(iii) Annual quantities and types of waste managed;

(iv) For each crop grown: The acreage used, the amount, type and source of each waste applied, ((~~the crop, and~~)) nutrient needs of each crop in pounds per acre, any additional nutrient inputs in pounds per acre to the land, such as manure, biosolids, or commercial fertilizer, and application rate calculations;

(v) Quantity and type of any waste remaining in storage as of December 31st of the reporting year;

(vi) Any additional waste characterization information required to be obtained as a condition of the permit, and a summary report of that data;

(vii) Any environmental monitoring data required to be obtained as a condition of the permit, and a summary report of that data; and

(viii) Any additional information required by the jurisdictional health department as a condition of the permit.

(7) **Land application - Permit requirements - Groundwater monitoring.** There are no specific groundwater monitoring requirements for land application sites subject to this chapter; however, land application sites must meet the performance standards of WAC 173-350-040.

(8) **Land application - Permit requirements - Closure.** The owner or operator of all land application sites must notify the jurisdictional health department ((~~sixty~~)) 60 days in advance of closure. All land application sites must be closed by applying all materials in storage ((~~in accordance with~~)) according to the permit, or by removing those materials to a facility that conforms to the applicable regulations for handling the waste.

(9) **Land application - Permit requirements - Financial assurance.** There are no specific financial assurance requirements for land application sites subject to this chapter; however, land application sites must meet the performance standards of WAC 173-350-040.

(10) **Land application - Permit application contents.**

(a) The owner or operator of land application sites subject to this section must obtain a solid waste permit from the jurisdictional health department. All applications for permits must be submitted ((~~in accordance with~~)) according to the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit must contain:

(i) Contact information, including name, contact person, mailing address, phone, fax, email for:

(A) Any person who generates waste that will be applied to the site;

(B) The person who is applying for a permit (the permit holder);

(C) The person who prepares the permit application; and

(D) The person who owns the site where the waste will be applied.

(ii) An analysis of pollutant concentrations ((~~of~~)) in the waste for the following reported on a dry weight basis:

(A) Total arsenic;

(B) Total barium;

(C) Total cadmium;

(D) Total chromium;

(E) Total copper;

(F) Total lead;

(G) Total mercury;

(H) Total molybdenum;

(I) Total nickel;

(J) Total selenium;

(K) Total zinc.

(iii) An analysis of nutrients in the waste at a minimum to include organic nitrogen, nitrate-nitrogen, ammonium-nitrogen, total phosphorus, and total potassium, reported on a dry weight basis;

(iv) An analysis of physical/chemical parameters in the waste to include at a minimum: Total solids, pH, soluble salts, total organic carbon;

(v) If waste is likely to contain physical contaminants, an analysis demonstrating material contains less than or equal to 0.5 percent physical contaminants by dry weight and less than or equal to 0.1 percent film plastic by dry weight;

(vi) A discussion of any pathogens known or suspected to be associated with ((~~this material~~)) the waste, including those which can cause disease in plants, animals, or humans;

((~~(vi)~~)) (vii) Any additional analysis required by the jurisdictional health department. The jurisdictional health department may reduce the analytical requirements of this section;

((~~(vii)~~)) (viii) A land application site characterization including:

(A) A description of current practices and a brief description of past practices on the site;

(B) A discussion of the potential for run-on and runoff, and typical depths to seasonal high groundwater. Runoff discussion must include direction of site drainage and identification of any surface water within one-quarter mile of the site;

(C) An analysis of soil nutrients including plant available nitrogen in the upper three feet of soil in one-foot increments;

(D) A site map showing property boundaries, adjacent properties and adjacent property uses, with the application areas clearly shown, and with the latitude and longitude of the approximate center of each land application site;

(E) A topographic relief map of the site extending one-quarter mile beyond the site boundaries at a scale of 1:24,000 or other scale if specified by the jurisdictional health department;

(F) Show the following information on either of the maps provided or on additional maps:

(I) Location of the site by street address, if applicable;

(II) The zoning classification of the site;

(III) The means of access to the site;

(IV) The size of the site in acres, and if applicable, the size of individual fields, units, and application areas;

(V) The location and size of any areas which will be used to store the waste;

(VI) Any portion of the site that falls within a wellhead protection area;

(VII) Any seasonal or perennial surface water located on the site or perennial surface water bodies within one-quarter mile of the site;

(VIII) The location of all wells within one-quarter mile of the boundary of the application area whether for domestic, irrigation, or other purposes;

(IX) Any setback or buffer to surface water, property boundaries, or other feature, if proposed;

(X) The location of any critical areas or habitat identified under the Endangered Species Act, local growth management plans, habitat conservation plans, conservation reserve program, or local shoreline master program; and

(XI) A description of the soil type(s), textural classes, and soil depths present on the site as determined by the most recent edition of the Natural Resources Conservation Service soil survey or from actual field measurements.

((~~(viii)~~)) (ix) A plan of operation meeting the requirements of subsection (6) of this section.

(b) Two or more areas of land under the same ownership or operational control which are not contiguous may be considered as one site for the purposes of permitting((~~, if in the opinion~~)) at the discretion of the jurisdictional health department. The areas ((~~are~~)) must be sufficiently proximate and management practices ((~~are~~)) must be sufficiently similar that viewing them as one proposal would expedite

the permit process without compromising the public interest. A jurisdictional health department may also require separate permits for a contiguous area of land if it finds that the character of a proposed site or management practices across the site are sufficiently different that the permit process and public interest would be best served by a more focused approach.

AMENDATORY SECTION (Amending WSR 18-17-008, filed 8/1/18, effective 9/1/18)

WAC 173-350-250 Anaerobic digesters. (1) **Anaerobic digesters - Applicability.**

(a) These standards apply to all facilities that treat solid ((~~waste~~)) or liquid waste as defined in this chapter by anaerobic digestion.

(b) These standards do not apply to:

(i) Storage or treatment of solid or liquid wastes in surface impoundments or tanks regulated under WAC 173-350-330;

(ii) Anaerobic digesters regulated ((~~in accordance with~~)) according to chapter 90.48 RCW, Water pollution control; and

(iii) Anaerobic digesters regulated ((~~in accordance with~~)) according to chapter 173-308 WAC, Biosolids management.

(2) **Anaerobic digesters - Permit exemptions.** ((~~In accordance with RCW 70.95.305, anaerobic digester facilities processing the types and volumes of materials identified in Table 250-A are subject solely to the requirements of Table 250-A and (b) of this subsection and are exempt from solid waste handling permitting. Feedstocks not listed in Table 250-A must be approved by the department. Violations of the terms and conditions of Table 250-A and (b) of this subsection may be subject to enforcement provisions of RCW 70.95.315.~~

~~(a) An owner or operator that does not comply with the terms and conditions of Table 250-A and (b) of this subsection must obtain a solid waste handling permit from the jurisdictional health department and comply with all applicable requirements of this chapter.~~))

(a) Except for facilities specified in (b) of this subsection, according to RCW 70A.205.265, facilities managed in compliance with standards for exemption under this subsection are exempt from the permit requirements of this chapter. If an owner or operator does not comply with the standards for exemption under this subsection, the facility may be subject to permit requirements under this chapter, the department's enforcement provisions for exempt facilities in RCW 70A.205.280, and other enforcement provisions in chapter 70A.205 RCW.

(b) Facilities that operate within and as an integral part of facility requiring a solid waste handling permit under this chapter must be covered under that permit and are not permit-exempt, but may operate in compliance with the standards for exemption under this subsection. For such facilities, the owner or operator must provide the jurisdictional health department information in the facility's plan of operation to show how they will meet the standards of this subsection. If an owner or operator does not comply with this subsection, the facility may be subject to permit requirements under this chapter, the jurisdictional health department's enforcement provisions for facilities subject to permit, and other enforcement provisions in chapter 70A.205 RCW.

(c) For the purposes of this subsection, "material on-site at any one time" includes feedstocks, active digesting, and digested materials.

Table 250-A
Terms and Conditions for Exemptions

	Organic Materials	Volume	Specific Requirements for Activity or Operation
(1)	All organic feedstocks	((~~No more than 5,000~~)) Up to 1,000 gallons liquid or semi-solid material or 25 cubic yards of solid material on-site at any one time.	No notification, reporting or testing requirements.
(2)	All organic feedstocks	Greater than ((~~5,000~~)) 1,000 but no more than ((~~50,000~~)) 5,000 gallons of liquid or semi-solid material on-site at any one time; or Greater than 25 but no more than 250 cubic yards of ((~~nonliquid~~)) solid material on-site at any one time.	For facilities managing more than ((~~5,000~~)) 1,000 gallons or 25 cubic yards on-site at any one time, ((~~and if organic materials are received from or distributed off-site,~~)) the owner or operator must: (a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department((~~.~~)); (b) Facilities that distribute digestate (solids, semi-solids or liquids) off-site must meet the following conditions: (i) Sample and test digestate solids, if separated, every 5,000 cubic yards or annually, whichever is more frequent, and digestate semi-solids or liquids every 1,000,000 gallons or annually, whichever is more frequent, to demonstrate physical contaminants are equal to or less than 0.5 percent by dry weight and 0.1 percent film plastic by dry weight; (ii) Sample and test digestate ((~~solids~~)) every 5,000 cubic yards or 1,000,000 gallons or once per year, whichever is more frequent, to demonstrate it meets compost quality standards of WAC 173-350-220(4) (Table 220-B) before it is distributed for off-site use; or (((~~(ii) Ensure digestate liquids or nonseparated digestate meets the conditions for a commercial fertilizer as applicable in chapter 15.54 RCW, Fertilizers, minerals, and limes; or~~ ~~(iii) Send digestate to a compliant permitted or conditionally exempt compost facility for further treatment to meet compost quality standards; or~~ ~~(iv) Land apply digestate in accordance with WAC 173-350-230, Land application; or~~ ~~(v) Use digestate in accordance with WAC 173-350-200, Beneficial use permit exemptions; or~~ ~~(vi)~~)) (iii) Send digestate to a permitted organics material management facility for further treatment; or (iv) Register digestate as a commercial fertilizer as applicable in chapter 15.54 RCW, Fertilizers, minerals, and limes; or (v) Land apply digestate according to WAC 173-350-230 Land application; or (vi) Use digestate according to WAC 173-350-200 Beneficial use permit exemptions; or (vii) Process or manage digestate in an alternate manner approved by the department ((~~or the jurisdictional health department~~)); and

	Organic Materials	Volume	Specific Requirements for Activity or Operation
			(((~~(vii)~~))) (viii) Submit annual reports and results of digestate analysis (((~~if applicable~~))) to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information: (A) Name and address of the operation; (B) Calendar year covered by the report; (C) Annual quantities and types of waste received, digestate produced, and waste disposed; (D) Destination and use of materials; and (E) Any additional information required by the department.
(3)	Livestock manure((~~; may include livestock manure that is imported, which means originating off of the farm or site where the anaerobic digester is being operated; and~~ ~~Organic feedstocks except materials collected from municipal, commercial or residential solid waste collection programs. All imported organic materials must be preconsumer.~~	No limits when livestock manure is at least 50 percent of total feedstocks volume, and ((~~imported, nonmanure organic feedstocks~~)) food processing wastes are not greater than 30 percent of total feedstock volume.	This exemption applies to dairy digesters regulated under RCW 70A.205.290 only. (a) Thirty days prior to operation, facilities ((~~managing imported organic feedstocks~~)) must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department. (b) All organic materials must be received and stored in a structure(s) that: (i) Complies with the Natural Resources Conservation Service's Practice Standard Code 313 ((~~in effect as of July 26, 2009,~~)) or other approved storage construction standard approved by the department ((~~or the jurisdictional health department~~)); (ii) Is certified by a representative of the Natural Resources Conservation Service to be effective at protecting surface and groundwater; or (iii) Meets applicable construction industry standards adopted by the American Concrete Institute or the American Institute of Steel Construction in effect as of July 26, 2009((~~; and~~ ~~(iv) Prevents migration of nuisance odors beyond property boundaries and minimizes attraction of flies, rodents, and other vectors~~)).

	Organic Materials	Volume	Specific Requirements for Activity or Operation
	~~If imported organic feedstocks are likely to contain animal by-products, they must be previously source separated at a facility licensed to process food by the United States Department of Agriculture, the United States Food and Drug Administration, the Washington state department of agriculture, or other applicable regulatory agency.~~)) Agricultural wastes Food processing wastes		(c) The anaerobic digester must be designed and operated ((~~in accordance with~~)) according to standards in the Natural Resources Conservation Service's Conservation Practice Standard, Code 366, ((~~in effect as of July 26, 2009~~)) or as updated. (d) All imported organic feedstocks must be fed into the anaerobic digester within 36 hours or when stored in a tank, may be metered in at an appropriate rate so as not to cause a digester upset. (e) At least quarterly or more often if feedstocks change significantly, the digester must provide nutrient and metals analysis using the standards in WAC 173-350-230 (10)(a)(ii) thorough (v) to any partner dairies land applying under a nutrient management plan. (f) Digestate must be managed ((~~in accordance with~~)) according to a dairy nutrient management plan under chapter 90.64 RCW, Dairy nutrient management, that includes elements addressing management and use of digestate. All land where digestate is applied must be under the direct control of the dairy with which the plan is associated. Digestate distributed outside the control of the partner dairy or dairies must comply with distribution requirements of (g) of this table. Digestate that is managed ((~~in accordance with~~)) according to the dairy nutrient management plan under chapter 90.64 RCW, Dairy nutrient management, is no longer a solid waste when those plans include elements addressing management and use of digestate.
	If imported organic feedstocks contain bovine processing waste, they must be derived from animals approved by the United States Department of Agriculture Food Safety and Inspection Service and not contain any specified risk material.		(((~~f~~))) (g) Facilities that distribute digestate (solids, semi-solids or liquids) off-site ((~~other than~~)) including lands not under direct control of the dairy under a nutrient management plan must demonstrate physical contaminants are equal to or less than 0.5 percent by dry weight and 0.1 percent film plastic by dry weight, and meet the following conditions: (i) ((~~Digestate must meet compost quality standards of WAC 173-350-220 for pathogens, stability, nutrient testing, metals and other testing before it is distributed for off-site use~~)) Sample and test digestate every 5,000 cubic yards or 1,000,000 gallons or once per year, whichever is more frequent, to demonstrate it meets compost quality standards of WAC 173-350-220 Table 220-B; or (ii) ((~~Be sent to an off-site~~)) Send digestate to a permitted ((~~compost~~)) organic materials management facility for further treatment ((~~to meet compost quality standards~~)); or
	Imported organic feedstocks cannot contain sheep carcasses or sheep processing waste.		(iii) ((~~Be processed or managed~~)) Register digestate as a commercial fertilizer as applicable in chapter 15.54 RCW, Fertilizers, minerals, and limes; or (iv) Land apply digestate according to WAC 173-350-230 Land application; or (v) Use digestate according to WAC 173-350-200 Beneficial use permit exemptions; or (vi) Use digestate as animal bedding; or (vii) Processed or manage in an alternate manner approved by the department((~~; and facilities must:~~)).

	Organic Materials	Volume	Specific Requirements for Activity or Operation
			(h) Submit annual reports and results of digestate analysis (((~~if applicable~~))) to the department ((~~and~~)), the jurisdictional health department, and the Washington state department of agriculture's nutrient management and technical assistance program by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information: (i) Name and address of the operation; (ii) Calendar year covered by the report; (iii) Annual quantities and types of waste received, digestate produced, and waste disposed; (iv) Destination and use of materials; and (v) Any additional information required by the department.

((~~(b) The owner or operator of an anaerobic digester in compliance with all of the conditions of Table 250-A must also meet all of the following conditions in order to maintain exempt status:~~

~~(i)~~)) (d) Comply with the performance standards of WAC 173-350-040;

((~~(ii)~~)) (e) Manage the operation to prevent the migration of agricultural pests identified by local horticultural pest and disease control boards, as applicable;

(f) Control litter, dust and nuisance odors to prevent migration beyond property boundaries;

(g) Manage the operation to prevent attraction of flies, rodents, birds, and other vectors;

(h) Allow inspections by the department ((~~and/or~~)) or jurisdictional health department at reasonable times ((~~to verify compliance with the conditions specified in this subsection~~));

((~~(iii) Manage the operation to prevent the attraction of flies, rodents, and other vectors; and~~

~~(iv) Manage the operation to prevent the migration of agricultural pests identified by local horticultural pest and disease control boards, as applicable.~~)) (i) If testing is required, provide laboratory test records upon request by the department or jurisdictional health department;

(j) Limit physical contamination in incoming feedstocks to no more than five percent by volume;

(k) Exclude feedstocks when necessary to comply with restrictions to prevent spread of animal diseases such as, but not limited to, chronic wasting disease.

(3) **Anaerobic digesters - Permit requirements - Location.** There are no specific location standards for anaerobic digesters subject to this chapter; however, anaerobic digesters must meet the performance standards of WAC 173-350-040.

Note: When considering anaerobic digestion facility location, please review the U.S. Department of Transportation Federal Aviation Advisory Circular No. ((~~150/5200-33B. 2007~~)) 150/5200-33C (or as updated), Hazardous Wildlife Attractants on or near Airports.

(4) **Anaerobic digesters - Permit requirements - Design.** Anaerobic digester((~~s~~)) facilities must be designed so that the facility can be operated to meet the performance standards of WAC 173-350-040((~~. The owner or operator of an anaerobic digester facility must:~~

~~(a) Prepare and provide to the jurisdictional health department engineering reports, plans, specifications, and a construction quality assurance plan that address the standards of this subsection. The re-~~

~~ports, plans, and specifications must be prepared by a professional engineer registered in the state of Washington and must include:~~

~~(i) An engineering report that presents the design basis and calculations for the engineered features of the facility including, but not limited to, pads, impoundments, leachate management features (if applicable), digestate management features, stormwater management features, and anaerobic digester features. The engineering report must demonstrate that the proposed design will meet the performance standards of this chapter;~~

~~(ii) Scale drawings of the facility including the location and size of feedstock storage areas, fixed equipment, buildings, leachate management features (if applicable), digestate management features, stormwater management features, access road and other constructed areas, and buildings integral to facility operation;~~

~~(iii) Design specifications for the engineered features of the facility including, but not limited to, pads, stormwater management features, leachate management features (if applicable), digestate management features, and an anaerobic digester design that demonstrates all structures, containers, tanks, and/or surface impoundments will meet the requirements of this section, and of any federal, state, or local water and air quality permits; and~~

~~(iv) A construction quality assurance plan that describes monitoring, testing and documentation procedures that must be performed during construction of the facility to ensure the facility is constructed in accordance with the approved design.~~

~~(b) Provide all-weather roads from the public highway to and within the facility when operations require public access. Roads must be designed and maintained to prevent traffic congestion, traffic hazards, dust and noise pollution;~~

~~(c) Design~~)) and the following design standards:

(a) Control public access, and prevent unauthorized vehicular traffic and illegal dumping of waste;

(b) Be sturdy and constructed of easily cleanable materials;

(c) Provide effective means to control rodents, insects, birds, and other vectors;

(d) Provide effective means to control litter;

(e) Design system to promote controlled and continuous anaerobic digestion. This requirement is intended to ensure anaerobic digester designers take into account adequate storage for incoming feedstocks to allow for metering in different feedstocks to avoid a digester upset;

(f) Provide calculation for maximum site capacity in cubic yards or gallons for all materials on-site at any one time based on volume and number of piles, or capacity of vessels, and other considerations. This total must include the capacities for incoming feedstocks, digestion, and digested materials areas;

(g) Provide calculations for processing capacity by weight or volume of feedstocks per month. This must include vessel process retention times in all areas as well as the site capacity above;

(h) Provide waste receiving areas, digesters, digestate management features, stormwater, and leachate management features (if applicable), to prevent contamination of air, soil, surface water, and groundwater((~~;~~

~~(i)~~)). Feedstock, leachate ((~~(if applicable)~~)), and digestate receiving and storage areas must either be in tanks or surface impoundments meeting the requirements of this section, or be on pads ((~~to~~

~~prevent contamination of air, soil, surface water, and groundwater underlying or adjacent to receiving and storage areas;~~

~~(ii) Pads must meet the following requirements:~~

~~(A) All pads must be curbed or graded in a manner to prevent ponding, control run-on and runoff, and separately collect and convey all stormwater and leachate to separate storage or holding systems. Stormwater that is combined with leachate must be treated as leachate in accordance with this section;~~

~~(B) All pads must be constructed on subgrades that provide sufficient bearing capacity to support the weight of the pad, the materials placed on them, and the equipment used in handling the materials;~~

~~(C) The entire surface area of the pad must be designed to maintain its structural and hydraulic integrity against loads resulting from feedstock and digestate storage, machinery used for feedstock handling, and against surface wear or damage caused by feedstock and digestate handling and storage;~~

~~(D) The pad may~~)). All areas where organics will be managed must meet the following requirements:

(i) Pads must be constructed of materials such as concrete (with sealed joints) or ((~~asphaltic concrete~~)) asphalt that prevents subsurface soil and groundwater contamination((~~; and~~

~~(E)~~)). The surface must be durable enough to withstand the anaerobic digestion process, weight of materials, and equipment. Pads must be curbed or otherwise designed to prevent run-on and runoff and graded to prevent ponding. The jurisdictional health department may ((~~allow pads to be designed and constructed with materials other than those listed in (c)(ii)(D) of this subsection,~~)) approve another type of surface if the applicant demonstrates ((~~in the engineering report to the jurisdictional health department's satisfaction that the alternative pad provides sufficient protection to meet the performance standards of this section and of WAC 173-350-040.~~

~~(iii)~~)) that it will prevent soil and groundwater contamination.

(ii) The anaerobic digester design must comply with one of the following three conditions:

(A) Design criteria in the Natural Resources Conservation Service's Washington Conservation Practice Standard, Anaerobic Digester Code 366 ((~~in effect October 2010,~~)) or other effective date as specified by the department; or

(B) Surface impoundment and tank design standards, WAC 173-350-330(4); or

(C) Other engineered design that the owner or operator can demonstrate meets the performance standards of WAC 173-350-040 to the jurisdictional health department's and the department's satisfaction. Written consent from the jurisdictional health department and the department constitutes approval.

((~~(iv) Stormwater management features must divert stormwater from feedstock receiving and storage areas, and from digestate collection and storage areas. Features may include, but are not limited to, run-on prevention systems, berms, diversion swales, ditches, and other features;~~

~~(v) Leachate management features may include, but are not limited to, runoff prevention systems, leachate collection, conveyance, storage structures, and treatment systems;~~

~~(vi) Leachate (if applicable) must be contained or collected. Any discharges to ground that result in contaminants migrating to groundwater require a waste discharge permit under chapter 90.48 RCW, Water pollution control, prior to discharge. Discharges to ground that re-~~

~~sult in degradation of groundwater quality are prohibited under chapter 90.48 RCW, Water pollution control. Any discharge to sanitary sewer requires additional permitting by the local delegated authority or department;~~

~~(vii) Leachate ponds~~)) (iii) Provide stormwater runoff collection and discharge and prevent run-on from a twenty-five-year storm;

(iv) Convey leachate (if applicable) to a surface impoundment, tank, or sanitary sewer to prevent uncontrolled discharges;

(v) Leachate surface impoundments or tanks, or digestate liquid storage in ((~~ponds~~)) surface impoundments or tanks must meet one of the following conditions:

(A) ((~~Ponds~~)) Leachate surface impoundments must meet Natural Resources Conservation Service Standard for a waste storage facility in the ((~~2001~~)) *Washington Field Office Technical Guide 313* ((~~(revised June 2011)~~)); ((~~or~~))

(B) ((~~Ponds~~)) Surface impoundments must have:

(I) A liner consisting of a minimum 30-mil thickness geomembrane on a subgrade that provides sufficient bearing capacity to support the liner and the contents of the pond. A liner constructed with a high density polyethylene geomembrane must be at least 60-mil thick to allow for proper welding. The jurisdictional health department may approve the use of an alternative liner design if the owner or operator can demonstrate during the permitting process that the proposed design will prevent migration of solid waste constituents or leachate into the ground or surface waters at least as effectively as the liners described in this subsection; ((~~and~~

~~(I)~~)) (II) Have dikes and slopes designed to maintain their structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action, overfilling, or precipitation; and

((~~(II)~~)) (III) Have freeboard (distance between the liquid level and the top of the ((~~pond~~)) surface impoundment) equal to or greater than ((~~eighteen~~)) 18 inches to avoid overtopping from wave action, overfilling, or precipitation. The jurisdictional health department may reduce the freeboard requirement if other engineering controls are in place that prevent overtopping. These engineering controls must be specified during the permitting process; ((~~or~~))

(C) ((~~The jurisdictional health department may approve the use of an alternative liner design if the owner or operator can demonstrate during the permitting process that the proposed design will prevent migration of solid waste constituents or leachate into the ground or surface waters at least as effectively as the liners described in this subsection; or~~

~~(D) Tanks used to store leachate or digestate liquid must meet design standards in WAC 173-350-330 (4)(b).~~

~~(viii)~~)) Leachate ponds and digestate liquid storage that have the potential to impound more than 10-acre feet (((~~three million two hundred fifty-nine thousand~~)) 3,259,000 gallons) of liquid measured from the top of the ((~~dike~~)) embankment and ((~~that~~)) would be released by a failure of the containment ((~~dike~~)) embankment must be reviewed and approved by the ((~~department's~~)) dam safety section of the department; or

(D) Tanks used to store leachate or digestate liquid must meet design standards in WAC 173-350-330(4).

(vi) Provide pollution control measures to protect air quality; and

(vii) Provide all-weather surfaces for vehicular traffic.

(5) **Anaerobic digesters - Permit requirements - Documentation.** ((~~Facilities must not start operation until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report, plans, and specifications and has approved the construction documentation in writing and issued a permit. Within thirty days of completing construction, the owner or operator of an anaerobic digestion facility must provide the following materials to the jurisdictional health department and the department:~~

~~(a) Copies of the construction record drawing for engineered features at the facility; and~~

~~(b) A report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan.~~)) (a) The owner or operator of a facility who proposes any addition or modification of elements described in subsection (4) of this section or otherwise necessary to meet other standards of this chapter must submit facility drawings and construction documents to the jurisdictional health department for review and approval. Facility drawings must be to scale and include the location and size of waste handling areas, fixed equipment, buildings, stormwater management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation;

(b) The owner or operator may not begin operation in an added or modified portion of the facility until the jurisdictional health department has approved the completed addition or modification in writing;

(c) For engineered features proposed to meet standards and criteria of subsection (4) of this section or other standards of this chapter, construction documents must be prepared by a professional engineer registered in the state of Washington and submitted to the jurisdictional health department, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features. The engineering report must demonstrate that the proposed design will meet the standards of this chapter;

(ii) Design specifications for the engineered features of the facility as applicable; and

(iii) For new construction, a construction quality assurance plan that describes monitoring, testing, and documentation procedures that will be performed during construction to ensure engineered features are constructed in accordance with the approved design;

(iv) Following construction completion, construction record drawings for engineered features and a report documenting the construction, including the results of observations and any testing carried out as part of the construction quality assurance plan. The owner or operator may not begin operation in a newly constructed or modified engineered feature of the facility until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering documents and has approved the construction documentation in writing.

(6) **Anaerobic digesters - Permit requirements - Operating.** The owner or operator of an anaerobic digester must:

(a) Operate the site in compliance with the performance standards of WAC 173-350-040 ((~~or Natural Resource Conservation Service Practice Standard Code 366 as applicable, and:~~

~~(a) Operate the facility to:~~

~~(i) Control air contaminants, such as~~)) and this subsection. In addition, the owner or operator must develop, keep, and follow a plan operation approved as part of the permitting process. The plan of operation must be available for inspection at the request of the jurisdictional health department. If necessary, the plan must be modified with the approval, or at the direction of the jurisdictional health department. The plan must be available in languages that employees can read for employees with responsibilities for compliance with this section. Each plan of operation must include the following:

(i) A description of the types of wastes to be handled at the facility. Feedstocks must be approved by the jurisdictional health department and must contain no more than five percent physical contaminants by volume;

(ii) A description of the procedures used to ensure that dangerous waste and other unacceptable waste are not accepted at the facility. Facilities must exclude feedstocks when necessary to comply with restrictions to prevent spread of animal diseases such as, but not limited to, chronic wasting disease, or to prevent the migration of agricultural pests identified by local pest and disease control boards;

(iii) A description of procedures and criteria for ensuring that only the feedstocks described will be accepted. This includes a plan for rejecting feedstocks contaminated with greater than five percent physical contaminants by volume. The facility is not considered to have taken ownership of rejected loads;

(iv) A description of how materials are to be handled on-site, including feedstock receiving, anaerobic digestion, digestate storage, gas management, and procedures to reduce physical contaminants if applicable; and

(v) A description of end use or uses of digestate and representative sampling and testing of digestate. This description must include how the operator will:

(A) Test processed solid material every 5,000 cubic yards or every three months, whichever is more frequent, and semisolid or processed liquid material every 1,000,000 gallons or every three months, whichever is more frequent, to demonstrate material contains equal to or less than 0.5 percent physical contaminants by dry weight, and 0.1 percent film plastic by dry weight. An accredited laboratory must be used for all analysis. An alternative frequency may be approved by the jurisdictional health department; and

(B) Test processed solid material every 5,000 cubic yards or every three months, whichever is more frequent, and processed liquid material every 1,000,000 gallons or every three months, whichever is more frequent, to demonstrate it meets compost quality standards of WAC 173-350-220 Table 220-B. An alternate testing frequency may be approved by the jurisdictional health department; or

(C) Send material to a permitted organic materials handling facility for further processing; or

(D) Register material as a commercial fertilizer as applicable in chapter 15.54 RCW, Fertilizers, minerals, and limes; or

(E) Land apply material according to WAC 173-350-230 Land application; or

(F) Use material according to WAC 173-350-200 Beneficial use permit exemption; or

(G) Use material as animal bedding; or

(H) Manage material in an alternate manner as approved by the jurisdictional health department.

(vi) A description of how the owner or operator will ensure the facility is operated in a way to:

(A) Control litter, dust, and nuisance odors((~~, to prevent these and other contaminants from migrating beyond property boundaries~~));

((~~(ii) Prevent the attraction of vectors;~~

~~(iii) Prevent the migration of agricultural pests identified by the local horticultural pest and disease control boards as applicable;~~

~~(iv) Confine organic materials prior to and after processing to specifically designated areas, meeting the applicable standards of this section;~~

~~(v) Ensure that dangerous waste is not accepted, treated, or stored;~~

~~(vi)~~)) (B) Control rodents, insects, birds, and other vectors;

(C) Remove waste from the tipping floor at a frequency approved by the jurisdictional health department;

(D) Ensure that handling of waste capable of attracting birds does not pose an aircraft safety hazard including compliance with federal aviation administration requirements;

(E) Ensure the facility operates under the supervision and control of a properly trained individual during hours of operation when facility staffing is required;

((~~(vii)~~)) (F) Ensure facility employees are trained in appropriate facility operations, maintenance procedures, and safety and emergency procedures according to individual job duties ((~~and according to an approved plan of operation~~)). Operator training to include required reading of the approved plan of operation for employees with responsibilities for compliance with this section; and

((~~(viii) Restrict access to the facility when the facility is closed.~~

~~(b) Inspect~~)) (G) Control public access and prevent unauthorized access when closed.

(vii) A description of how operators will inspect and maintain the facility to prevent malfunctions and deterioration, operator errors, and discharges that may cause or lead to the release of wastes to the environment or cause a threat to human health. The ((~~owner or operator must conduct these~~)) plan must include the inspection form operators will use. Inspections must be conducted as needed, but at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. For anaerobic digester facilities with leachate or digestate surface impoundments, conduct regular liner inspections no less frequently than every five years. The frequency and methods of inspections must be specified in the operations plan and must be based on the type of liner, expected service life of the material, and the site-specific service conditions:

(A) Inspect the liner for degradation and ruptures of the liner material and for failure of any seams or joints in the liner material. If the maximum wetted extent of the liner geomembrane cannot be directly inspected visually, then the liner must be tested for leaks by electrical leak detection survey methods. If leaks, degradation, or ruptures of the liner material are detected, the liner must be repaired; and

(B) The jurisdictional health department must be given sufficient notice and have the opportunity to be present during liner inspections.

((~~(c)~~)) (viii) A description of how operators will maintain operating records ((~~of the following:~~

~~(i) Process monitoring data as described in the plan of operation;~~

~~(ii) The quantity in gallons or cubic yards, and types of feedstocks received;~~

~~(iii) Results of analysis for digestate that is sold or distributed, according to subsection (5)(e) of this section; and~~

~~(iv) Facility inspection reports. Significant deviations from the plan of operation must be noted in the operating record. Records must be kept for a minimum of five years and must be available upon request by the jurisdictional health department.~~

~~(d) Prepare and submit an annual report to the jurisdictional health department and the department by April 1st of each calendar year for activities during the previous calendar year. Annual reports must be submitted on forms provided by the department and must include:~~

~~(i) Annual quantity and type of feedstocks received;~~

~~(ii) Annual quantity of digestate distributed if applicable;~~

~~(iii) Annual summary of digestate analysis as applicable, if digestate is distributed off-site; and~~

~~(iv) Any additional information required by the department or the jurisdictional health department.~~

~~(e) If distributing digestate (solids, semi-solids, or liquids) off-site, produce and manage the product so that it does not harm human health or the environment; and:~~

~~(i) Test representative samples of digestate solids every 5,000 cubic yards to demonstrate it meets compost quality standards in WAC 173-350-220(6) (Table 220-B). An alternate testing frequency may be required or approved by the jurisdictional health department; or~~

~~(ii) Ensure digestate meets the conditions for a commercial fertilizer as applicable in chapter 15.54 RCW, Fertilizers, minerals, and limes; or~~

~~(iii) Send digestate to a permitted compost facility for further processing; or~~

~~(iv) Land apply digestate in accordance with WAC 173-350-230, Land application; or~~

~~(v) Use digestate in accordance with WAC 173-350-200, Beneficial use permit exemption; or~~

~~(vi) Apply digestate on agricultural lands at agronomic rates in accordance with a dairy nutrient management plan or a nutrient management plan; or~~

~~(vii) Manage digestate in an alternate manner as approved by the jurisdictional health department and the department.~~

~~(f) Develop, keep, and follow a plan of operation approved as part of the permitting process. The plan must describe the facility's operation and must convey to site operating personnel the concept of operation intended by the facility designer. The plan of operation must be kept on-site and available for inspection at the request of the jurisdictional health department. When necessary, the plan must be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation must include the following:~~

~~(i) A description of the types of feedstocks to be handled at the facility. Feedstocks must be approved by the department or jurisdictional health department;~~

~~(ii) Procedures for ensuring that only feedstocks described will be accepted;~~

~~(iii) Procedures for handling unacceptable wastes;~~

~~(iv) A plan for processing digestate to meet the requirements of (e) of this subsection, if distributing digestate off-site;~~

~~(v) A nutrient management plan for agricultural lands and farm lands (as described in RCW 84.34.020) if using digestate on-site;~~

~~(vi) A description of how facility staff will be appropriately trained;~~

~~(vii) A calculation of monthly processing capacity based on maximum volume (cubic yards or gallons) of all materials on-site at any one time. All materials on-site include feedstocks, digesting materials and digestate;~~

~~(viii) A material flow plan describing general procedures to manage all materials on-site. All materials on-site include incoming feedstock, digesting materials, and digestate;~~)) on the amounts (weight or volume) and types of waste received and removed from the facility, amounts of liquid and solid digestate distributed or used on-site, and end use of processed material. The plan must include the form used to record this information. Laboratory test records must be maintained in the operating record. Facility annual reports must be maintained in the operating record. Facility inspection reports must be maintained in the operating record, including at least the date of inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action. Significant deviations from the plan of operation must be noted in the operating record. Records must be kept for a minimum of five years and must be available upon request by the jurisdictional health department or the department.

(ix) ((~~An~~)) A progressive odor management plan including, but not limited to, the following components:

(A) Methods for treating emissions to reduce odors, if any;

(B) A community relations plan to address odor issues should they arise; and

(C) A description of facility and operational improvements that could be made, if nuisance odors are identified beyond the facility's property boundary, as determined by the jurisdictional health department, the department, or the permitting air authority. The description of operational improvements must address feedstock receiving, processing, leachate systems (if applicable), and digestate storage areas of the facility.

(x) ((~~A description of how equipment, structures, and other systems will be inspected and maintained, including frequency of inspection and inspection logs. This description must include, but is not limited to:~~

~~(A) The groundwater monitoring system, if required;~~

~~(B) The overfilling prevention equipment, including details of filling and emptying techniques; and~~

~~(C) The liners of surface impoundments and tanks, tank piping, and secondary containment, as applicable.~~

~~(xi)~~)) Safety((~~, fire,~~)) and emergency plans including a spill prevention((~~/~~)) and response plan; and

((~~(xii) The forms used to record volumes (in cubic yards or gallons) of accepted feedstocks; and~~

~~(xiii)~~)) (xi) Other details to demonstrate that the facility is operated ((~~in accordance with~~)) according to this chapter and as required by the jurisdictional health department.

(b) Prepare and submit an annual report to the jurisdictional health department and the department by April 1st of each calendar year for activities during the previous calendar year. Annual reports

must be submitted on forms provided by the department and must include:

(i) Annual quantity and type of feedstocks received, digestate produced, and waste disposed;

(ii) Destination of digestate distributed;

(iii) Annual laboratory results summary of digestate from the accredited laboratory for the reporting year. Total number of lab results submitted should be based on required testing frequency; and

(iv) Any additional information required by the department or the jurisdictional health department.

(7) **Anaerobic digesters - Permit requirements - Groundwater monitoring.** There are no specific groundwater monitoring requirements for anaerobic digestion facilities subject to this chapter; however, anaerobic digestion facilities must meet the performance standards of WAC 173-350-040.

(8) **Anaerobic digesters - Permit requirements - Closure.** The owner or operator of an anaerobic digester facility must((~~:~~

~~(a)~~)) develop, keep, and follow a closure plan ((~~approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan must include removing all organic materials, including digestate, from the facility. For planning purposes, assume the facility is at full permitted site capacity when it is closed; and~~

~~(b) Notify~~)) that includes:

(a) Notification to the jurisdictional health department ((~~sixty~~)) 60 days in advance of closure((~~. At closure, the facility is financially responsible for the removal of all organic materials including, but not limited to, raw or partially digested feedstocks, and digestate from the facility. The materials must be sent to another facility that complies with the~~));

(b) Removal of all waste to a facility that conforms with all applicable regulations for handling the waste((~~.~~)); and

(c) Methods of removing waste.

(9) **Anaerobic digesters - Permit requirements - Financial assurance.** There are no specific financial assurance requirements for anaerobic digestion facilities subject to this chapter; however, anaerobic digestion facilities must meet the performance standards of WAC 173-350-040.

(10) **Anaerobic digesters - Permit requirements - Permit application contents.** The owner or operator of an anaerobic digestion facility ((~~not exempt under subsection (2) of this section~~)) must obtain a solid waste permit from the jurisdictional health department. All applications for permits must be ((~~in accordance with~~)) according to the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each permit application must contain:

(a) Engineering reports, plans, and specifications that address the design standards of subsections (4) and (5) of this section;

(b) A plan of operation that addresses the requirements of subsection (6) of this section; and

(c) A closure plan meeting the requirements of subsection (8) of this section.

AMENDATORY SECTION (Amending WSR 18-17-008, filed 8/1/18, effective 9/1/18)

WAC 173-350-320 Piles used for storage or treatment. (1) **Piles used for storage or treatment - Applicability.**

(a) These standards apply to the outdoor storage or treatment of solid waste in piles.

(b) These standards do not apply to:

(i) Piles of ((~~recyclable materials and other~~)) solid wastes stored indoors ((~~at recycling or material recovery facilities subject to WAC 173-350-210~~));

(ii) Piles located at composting facilities subject to WAC 173-350-220 that are an integral part of the facility's operation;

(iii) Piles to be land applied subject to WAC 173-350-230;

(iv) Piles at other organic materials handling facilities subject to WAC 173-350-225;

(v) Piles located at anaerobic digester sites subject to WAC 173-350-250; and

((~~(v) Piles of solid waste at transfer stations subject to design standards for tip floors in WAC 173-350-310;~~

~~(vi) Indoor storage of piles of contaminated soil or contaminated dredged material subject to WAC 173-350-310;~~

~~(vii)~~)) (vi) Piles of waste tires subject to WAC 173-350-350((~~; and~~

~~(viii) Piles of contaminated soil or contaminated dredged materials stored and treated indoors subject to WAC 173-350-490~~)).

(2) **Piles used for storage or treatment - Permit exemptions.** ((~~In accordance with RCW 70.95.305, facilities managing solid wastes in piles meeting the conditions listed in Table 320-A and the conditions of (a) of this subsection are exempt from solid waste handling permitting. If a facility does not operate in compliance with the terms and conditions established for an exemption under this subsection, the facility may be subject to the permitting requirements for solid waste handling under this chapter. In addition, violations of the terms and conditions of this subsection may be subject to the enforcement provisions of RCW 70.95.315.~~)) (a) Except for facilities specified in (b) of this subsection, according to RCW 70A.205.265, facilities managed in compliance with standards for exemption under this subsection are exempt from the permit requirements of this chapter. If an owner or operator does not comply with the standards for exemption under this subsection, the facility may be subject to permit requirements under this chapter, the department's enforcement provisions for exempt facilities in RCW 70A.205.280, and other enforcement provisions in chapter 70A.205 RCW.

(b) Facilities that operate within and as an integral part of facility requiring a solid waste handling permit under this chapter must be covered under that permit and are not permit-exempt, but may operate in compliance with the standards for exemption under this subsection. For such facilities, the owner or operator must provide the jurisdictional health department information in the facility's plan of operation to show how they will meet the standards of this subsection. If an owner or operator does not comply with this subsection, the facility may be subject to permit requirements under this chapter, the jurisdictional health department's enforcement provisions for facilities subject to permit, and other enforcement provisions in chapter 70A.205 RCW.

Table 320-A
Terms and Conditions for Solid Waste Permit Exemptions

	Waste Materials	Volume, Storage Time, and Capacity Requirements	Specific Requirements for Activity or Operation
(1)	Clean wood waste, low-grade wood((~~-derived fuel~~)), nonferrous metals, brick, cured concrete, or asphaltic materials.	Up to 250 cubic yards of total material on-site at any one time. Total material is the sum of the volume of all waste materials allowed under this exemption, not up to 250 CY of each waste material. No storage time limit.	No notification or reporting requirements.
(2)	Agricultural waste ((~~and on-farm vegetative wastes stored~~)) on farms.	No volume limit. The duration of storage of the entire pile(s) is limited to one year and limited to the amount that will be applied to a ((~~site~~)) farm during a one-year period. Subsequent accumulation under the same conditions is allowed at the same location after the entire pile(s) has been used.	No notification or reporting requirements.
(3)	Yard debris Land clearing debris	Up to 30 cubic yards of all materials on-site at any one time. Total material is the sum of the volume of all waste materials allowed under this exemption, not up to 30 CY of each waste material. All material must be removed from the site and transferred to a solid waste handling facility at least every four calendar days.	Exemption applies to yard debris and land clearing debris drop off locations. (a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department and must be complete; (b) Maintain records for five years on the volume of wastes received, processed, and moved off-site, including dates of complete removal from site; and (c) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information: (i) Name and address of the facility; (ii) Calendar year covered by the report; (iii) Annual quantities and types of solid waste handled by the facility, including amounts received, amounts removed, destination of materials, and frequency of complete removal from site; and (iv) Any additional information required by the department.

	Waste Materials	Volume, Storage Time, and Capacity Requirements	Specific Requirements for Activity or Operation
(4)	Clean wood waste((,)) Low-grade wood((-derived fuel and)) Nonferrous metals((.))	((Over)) Greater than 250 cubic yards ((up to)) but no more than 2,000 cubic yards total material on-site at any one time. Total material is the sum of the volume of all waste materials allowed under this exemption, not up to 2,000 CY of each waste material. At the end of each calendar year, the facility must have removed at least ((fifty)) 50 percent of the sum of the volume of all waste present at the start of the calendar year and of the volume of all waste accepted during the calendar year. For example: A facility begins the calendar year with 300 CY of clean wood waste ((on hand)) on-site. The facility accepts 400 CY during the calendar year. In order to meet this exemption requirement, at least 0.5 x (300 + 400) = 350 CY must be removed from the facility by the end of the calendar year, leaving no more than 350 CY ((on hand)) on-site.	(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department and must be complete; (b) Maintain records for five years on the volume of wastes received, processed, and moved off-site ((for five years)); and (c) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information: (i) Name and address of the facility; (ii) Calendar year covered by the report; (iii) Annual quantities and types of solid waste handled by the facility, including amounts received, amounts removed ((and where it went)), destination of materials, and the amount of waste remaining at the facility at year's end((, in cubic yards)); and (iv) Any additional information required by the department.
(((4))) (5)	Brick, cured concrete, or asphaltic material facilities with a water quality sand and gravel or construction stormwater general permit.	Over 250 cubic yards; no upper volume limit.	Facilities that recycle these wastes must comply with the recycling standards in WAC 173-350-210, including notification and reporting.
(((5))) (6)	Temporary piles of contaminated soils and contaminated dredged material.	No volume limit. All contaminated soils and contaminated dredged materials ((are)) must be removed from the site within ((ninety)) 90 days. If new materials are placed on-site at any time after ((ninety)) 90 days has elapsed from the first delivery, a permit is required.	No notification or reporting requirements.
(((6))) (7)	Temporary piles of contaminated soils and contaminated dredged material with a construction stormwater general permit.	No volume limit.	No notification or reporting requirements.

((~~(a)~~)) (c) Management of waste in piles identified in Table 320-A must meet the following terms and conditions to maintain their exempt status:

(i) Comply with the performance standards of WAC 173-350-040;

(ii) Manage the operation to prevent ((~~fugitive dust and the attraction of vectors; and~~)) litter, dust, and nuisance odors;

(iii) Provide effective means to control rodents, insects, birds, and other vectors;

(iv) Ensure organic materials destined for management at an organic materials management facility contains less than five percent physical contamination by volume; and

(v) Allow the department or jurisdictional health department to inspect the site at reasonable times.

(3) **Piles used for storage or treatment – Permit requirements - Location.** There are no specific location standards for piles subject to this chapter; however, waste piles must meet the performance standards of WAC 173-350-040.

(4) **Piles used for storage or treatment – Permit requirements - Design.** Piles used for storage or treatment of solid waste must be designed so that the facility can be operated to meet the performance standards of WAC 173-350-040, and the following design standards:

(a) ((~~The maximum waste capacity, elevation and boundaries of the waste pile must be provided. All piles used for storage or treatment regulated under this section must be designed and constructed to meet the following requirements:~~

~~(i)~~)) Control public access to prevent illegal dumping and unauthorized access to the facility;

((~~(ii)~~)) (b) Comply with the International Fire Code as implemented through the local fire control agency;

((~~(iii)~~)) (c) Control dust, odors, and vectors; ((~~and~~

~~(iv)~~)) (d) Provide calculation for maximum site capacity in cubic yards for all materials on-site at any one time based on volume and number of piles. Capacity, elevation, and boundaries of all waste piles must be provided; and

(e) Provide all-weather surfaces for vehicles((~~.~~

~~(b)~~));

(f) In addition to the preceding requirements ((~~of (a)~~)) of this subsection, the owner or operator of piles of putrescible waste, contaminated soils or contaminated dredged material or waste determined by the jurisdictional health department to likely produce leachate posing a threat to human health or the environment must prepare engineering reports/plans and specifications of the surface on which the pile(s) will be placed. This must include an analysis of the surface under the stresses expected during operations, and the design of the ((~~surface water~~)) stormwater management systems including run-on prevention ((~~and runoff~~)), leachate conveyance((~~,~~)) and storage, and treatment. The facility must be designed and constructed to:

(i) Place waste on an impervious surface, such as concrete or ((~~asphaltic concrete~~)) asphalt, to prevent soil and groundwater contamination. The surface must be durable enough to withstand material handling practices. The jurisdictional health department may at the time of permitting:

(A) Approve other types of surfaces if the applicant can demonstrate that the proposed surface will prevent soil and groundwater contamination; and

(B) Waive the impervious surface requirement if the applicant can demonstrate how soil and groundwater will be protected by other design features.

(ii) ((~~Control run-on and~~)) Provide stormwater runoff collection and discharge and prevent run-on from a twenty-five-year storm.

(iii) Convey leachate to a surface impoundment, tank, or sanitary sewer.

(5) **Piles used for storage or treatment - Permit requirements - Documentation.**

(a) The owner or operator ((~~must submit construction documents for any proposed addition or modification of elements described in subsection (4) of this section to the jurisdictional health department for review and approval. The construction documents for proposed construction of engineered features addressed in subsection (4)(b) of this section must be prepared by a professional engineer registered in the state of Washington, and must include:~~

~~(i) An engineering report that presents the design basis and calculations for the engineered features of any impervious surface, such as concrete, asphaltic concrete, or other proposed surface; stormwater management features; and emission control features as required by the permitting air authority where applicable. The engineering report must demonstrate that the proposed design will meet the performance standards of this chapter;~~

~~(ii) Scale drawings of the facility including the location and size of waste handling areas, fixed equipment, buildings, stormwater management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation;~~

~~(iii) Design specifications for the engineered features of the facility including any impervious or other proposed surface, run-on/runoff controls, stormwater management features, and aeration and emission management features as required by a permitting air authority where applicable; and~~

~~(iv) A construction quality assurance plan that describes monitoring, testing, and documentation procedures that will be performed during construction of the facility to ensure the facility is constructed in accordance with the approved design.~~

~~(b) The owner or operator must provide copies of the construction record drawings for engineered features at the facility and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. The owner or operator must not commence operation in a newly constructed portion of the facility until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering reports/plans and specifications and has approved the construction documentation in writing.~~)) of a facility who proposes any addition or modification of elements described in subsection (4) of this section or otherwise necessary to meet other standards of this chapter must submit facility drawings and construction documents to the jurisdictional health department for review and approval. Facility drawings must be to scale and include the location and size of waste handling areas, fixed equipment, buildings, stormwater management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation;

(b) The owner or operator may not begin operation in an added or modified portion of the facility until the jurisdictional health department has approved the completed addition or modification in writing;

(c) For engineered features proposed to meet standards and criteria of subsection (4) of this section or other standards of this chapter, construction documents must be prepared by a professional engineer registered in the state of Washington and submitted to the jurisdictional health department, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features. The engineering report must demonstrate that the proposed design will meet the standards of this chapter;

(ii) Design specifications for the engineered features of the facility as applicable; and

(iii) For new construction, a construction quality assurance plan that describes monitoring, testing, and documentation procedures that will be performed during construction to ensure engineered features are constructed in accordance with the approved design.

(iv) Following construction completion, construction record drawings for engineered features and a report documenting the construction, including the results of observations and any testing carried out as part of the construction quality assurance plan. The owner or operator may not begin operation in a newly constructed or modified engineered feature of the facility until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering documents and has approved the construction documentation in writing.

(6) **Piles used for storage or treatment - Permit requirements - Operating.** The owner or operator of piles used for storage or treatment must:

(a) Operate the site in compliance with the performance standards of WAC 173-350-040 and this subsection. In addition, the owner or operator must develop, keep, and follow a plan of operation approved as part of the permitting process. The plan of operation must be available on-site for inspection at the request of the jurisdictional health department. If necessary, the plan may be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation must include the following:

(i) A description of the types of waste materials to be handled at the facility;

(ii) A description of the procedures used to ensure that dangerous waste and other unacceptable waste are not accepted at the facility;

(iii) A description of how waste materials are to be handled on-site, including recycling or recovery, storage, maximum site capacity, methods of adding or removing waste materials from the facility and equipment used, and how operators will ensure adequate ((~~dumping~~)) capacity at all times;

(iv) A description of how the owner or operator will ensure the facility is operated in a way to:

(A) Control litter, dust, and nuisance odors;

(B) Control rodents, insects, and other vectors;

(C) ((~~Control access to the pile; and~~

~~(D)~~)) Remove waste from the tipping floor at a frequency approved by the jurisdictional health department;

(D) Ensure that adequate capacity exists in leachate storage features at all times; and

(E) Ensure that waste piles capable of attracting birds do not pose an aircraft safety hazard.

(v) A description of how operators will inspect and maintain the facility to prevent malfunctions, deterioration, operator errors and discharges that may cause or lead to the release of wastes to the environment or a threat to human health. The plan must include the inspection form operators will use. Inspections must include the surface on which the piles are placed, and the leachate and stormwater control

systems. Inspections must be conducted as needed, but at least weekly, to ensure the facility is meeting the operational standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(vi) A description of how operators will maintain operating records on the amounts (weight or volume) and the types of waste received and removed from the facility((~~, including~~)). The plan must include the form ((~~or computer printout~~)) used to record this information. Facility annual reports must be maintained in the operating record. Facility inspection reports must be maintained in the operating record, including at least the date of inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action. Significant deviations from the plan of operation must be noted in the operating record. Records must be kept for a minimum of five years and must be available upon request by the jurisdictional health department;

(vii) A description of how operators will ensure organic materials destined for management at an organic materials management facility contains less than five percent physical contamination by volume;

(viii) Safety and emergency plans;

((~~(viii)~~)) (ix) Other such details to demonstrate that the facility will be operated ((~~in accordance with~~)) according to this subsection and as required by the jurisdictional health department;

((~~(ix)~~)) (x) If storing or treating contaminated soils or contaminated dredged materials each plan of operation must also include the following:

(A) Ensure that all soils and dredged materials are sufficiently characterized:

(I) Prior to storage or treatment so that contaminants ((~~not~~)) are identified, ((~~or~~)) and if they are at concentrations greater than those listed in the approved plan of operation, they are not accepted or handled at the facility; and

(II) Prior to removal to an off-site location so that all soils and dredged material that are not clean soils or clean dredged materials are delivered to a facility that meets the requirements of chapter ((~~70.95~~)) 70A.205 RCW, Solid waste management—Reduction and recycling;

(B) Maintain operating records that identify the source of contaminated soils and contaminated dredged material received at the facility, contaminants and concentrations contained, and any documentation used to characterize soils and dredged materials. Records must contain end uses, including the location of final placement, for any soils or dredged materials removed from the facility that contain residual contaminants;

(C) A description of contaminants and concentrations in soils and dredged materials that will be handled at the facility;

(D) A sampling and analysis plan and other procedures used to characterize soils and dredged materials; and

(E) Forms used to record the source of contaminated soils or contaminated dredged materials, contaminant concentration and other documentation used to characterize soils and dredged materials, and end uses and the location of final placement for any soils or dredged materials removed from the facility that contain residual contaminants.

((~~(x)~~)) (xi) Treatment of contaminated soils and contaminated dredged materials must be performed using a process that reduces or eliminates contaminants and harmful characteristics. Contaminated

soils and contaminated dredged materials ((~~must~~)) may not be diluted to meet treatment goals or as a substitute for disposal, except for incidental dilution of minor contaminants.

(b) Prepare and submit an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and shall include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantities and types of solid waste handled by the facility, including amounts received, amounts removed and the amount of waste remaining at the facility at year's end, in tons or cubic yards;

(iv) Destination of waste material transported from the facility for processing or disposal; and

(v) Any additional information required by the jurisdictional health department as a condition of the permit.

(7) **Piles used for storage or treatment – Permit requirements - Groundwater monitoring.** There are no specific groundwater monitoring requirements for piles used for storage and treatment subject to this chapter; however, waste piles must meet the performance standards of WAC 173-350-040.

(8) **Piles used for storage or treatment – Permit requirements - Closure.** The owner or operator of piles used for storage or treatment must develop, keep, and follow a closure plan that addresses:

(a) Notification to the jurisdictional health department ((~~sixty~~)) 60 days in advance of closure;

(b) ((~~Remove~~)) Removal of all waste to a facility that conforms with the applicable regulations for handling the waste; and

(c) Methods for removing the waste.

(9) **Piles used for storage or treatment - Permit requirements - Financial assurance.** There are no specific financial assurance requirements for piles used for storage or treatment subject to this chapter; however, waste piles must meet the performance standards of WAC 173-350-040.

(10) **Piles used for storage or treatment - Permit application contents.** The owner or operator of piles used for storage or treatment must obtain a permit from the jurisdictional health department. All applications for permits must be submitted ((~~in accordance with~~)) according to the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit must contain:

(a) Engineering reports/plans and specifications that address the standards of subsections (4) and (5) of this section;

(b) A construction quality assurance plan that addresses the requirements of subsection (5) of this section;

(c) A plan of operation meeting the requirements of subsection (6) of this section; and

(d) A closure plan meeting the requirements of subsection (8) of this section.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-350-300	On-site storage, collection, and transportation standards.