WAC 173-350-210 Recycling and material recovery facilities.

(1) Recycling and material recovery facilities - ~~*Recycling* -~~ **Applicability**. (a) These standards apply to recycling and material recovery facilities ~~solid waste~~.

(b) These standards do not apply to:

(~~a~~i) Storage, treatment or recycling of solid waste in piles ~~which are~~ subject to WAC 173-350-320;

(~~b~~ii) Storage or recycling of solid waste in surface impoundments ~~which are~~ subject to WAC 173-350-330;

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

(~~d~~iv) Solid waste that is beneficially used on the land ~~that is subject to~~approved in accordance with the procedures of WAC 173-350-200 or WAC 173-350-230;

(~~e~~v) Storage of waste tires prior to recycling ~~which is~~ subject to WAC 173-350-350;

(~~f~~vi) Storage of moderate risk waste prior to recycling ~~which is~~ subject to WAC 173-350-360;

(~~g~~vii) Energy recovery or incineration of solid waste ~~which is~~ subject to WAC 173-350-240;

(~~h~~viii) Anaerobic digesters ~~Intermediate solid waste handling facilities subject to WAC 173-350-310.~~ subject to WAC 173-350-250;

(~~i~~ix) Other organic materials handling subject to WAC 173-350-225;

(~~j~~x) Transfer stations or drop box facilities subject to WAC 173-350-310; and

(~~k~~xi) Dro~~b~~p boxes used solely for collecting recyclable materials ~~under~~subject to WAC 173-350-310.

(2) **Recycling and material recovery facilities – Permit exemptions.** ~~*Recycling - Permit exemption and notification.*~~ In accordance with RCW 70.95.305, recycling and material recovery facilities managed in accordance with the terms and conditions of Table 210-A of this subsection~~of solid waste is subject solely to the requirements of (b) of this subsection and is~~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. ~~Any person engaged in recycling that does not comply with the terms and conditions of (b) of this subsection 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 (b)~~ of this subsection may be subject to the ~~penalty~~ enforcement provisions of RCW 70.95.315.

Table 210-A Terms and Conditions for Solid Waste Permit Exemption

	Waste Materials	Specific Requirements for Activity or Operation
(1)	Concrete or wood waste at point of generation	(a) Meet the performance standards of WAC 173-350-040; and (b) Recycle and use materials back on site.
(2)	Source-separated recyclable materials	(a) Meet the performance standards of WAC 173-350-040; (b) Accept only wastes segregated into individual material streams. Examples of individual material streams are loads composed solely of cardboard, mattresses, or metal of one type or several types. More than one individual material stream may be accepted at the same facility, but mixed waste materials, including comingled recyclable materials, may not be accepted under this exemption; (c) Dispose of an incidental and accidental residual not to exceed five percent of the total waste received, by weight per year, and five percent by weight per load; (d) Manage the operation to prevent the attraction of vectors; (e) Allow inspections by the department or jurisdictional health department at reasonable times; (f) 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; and (g) 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 material recovery or recycling 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, recovered or recycled, and disposed, in tons, for purposes of determining progress towards achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW 70.95.010(4); (iv) Destination of materials; and (v) Any additional information required by the department.

~~(b) Recycling shall be conducted in conformance with the following terms and conditions in order to maintain permit exempt status:~~

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

~~(ii) Accept only source separated solid waste for the purpose of recycling;~~

~~(iii) Allow inspections by the department or jurisdictional health department at reasonable times;~~

~~(ivvi) Notify the department and jurisdictional health department, thirty days prior to operation , or ninety days from the effective date of the rule for existing recycling operations, of the intent to conduct recycling in accordance with this section. Notification shall be in writing, and shall include:~~

~~(A) Contact information for the person conducting the recycling activity;~~

~~(B) A general description of the recycling activity;~~

~~(C) A description of the types of solid waste being recycled; and~~

~~(D) An explanation of the recycling processes and methods;~~

~~(v) 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 shall detail recycling activities during the previous calendar year and shall include the following information:~~

~~(A) Name and address of the recyclingoperation;~~

~~(B) Calendar year covered by the report;~~

~~(C) Annual quantities and types of waste received, recycled, and disposed, in tons, for purposes of determining progress towards achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW 70.95.010(4); and~~

~~(D) Any additional information required by written notification of the department.~~

(3) **Recycling and material recovery facilities – Permit requirements - Location**. There are no specific location standards for recycling and material~~s~~ recovery facilities subject to permitting under this chapter; however, recycling and material recovery facilities must meet the ~~requirements~~performance standards of WAC 173-350-040.

(4) **Recycling and material recovery facilities – Permit requirements - Design**. Recycling and material recovery facilities must be designed so that the facilities can be operated to meet the performance standards of WAC 173-350-040. The owner or operator of a recycling or material~~s~~ recovery facility must prepare engineering reports/plans and specifications to address 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 a tip floor 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;

(f) Cover the tipping floor to protect it from precipitation;

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

(h) Provide for storm water runoff collection and discharge from a twenty-five-year storm;

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

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

(5) **Recycling and material recovery facilities – Permit requirements – Documentation.**

(a) The owner or operator must submit facility drawings and construction documents for, at a minimum, any elements described in (4) of this section to the jurisdictional health department for review and approval. The facility drawings and construction documents must be prepared by an engineer licensed in the state of Washington, 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 performance standards of WAC 173-350-040;

(ii) Scale drawings of the facility including the location and size of waste storage areas, fixed equipment, buildings, storm water 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 as applicable; and

(iv) For new construction, 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 facilities at the site and a report documenting facility construction, including the results of observations and any testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the ~~D~~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 report/plans and specifications and has approved the construction documentation in writing.

(6) **Recycling and material recovery facilities - Permit requirements - Operating**. The owner or operator of a recycling or material recovery 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 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. 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 onsite, including recycling or recovery, storage, maximum facility capacity, methods of adding or removing waste materials from the facility, and equipment used;

(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) Provide attendant(s) on-site during hours of operation;

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

(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 least daily; and

(H) Ensure that waste materials 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, including 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;

(vi) 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 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) Safety and emergency plans; and

(viii) Other details to demonstrate that the facility will be operated in accordance with 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 recycling or material recovery activities during the previous calendar year and must include the following information:

(i) Name and address of the recycling or material recovery operation;

(ii) Calendar year covered by the report;

(iii) Annual quantities and types of waste received, recovered or recycled, and disposed, in tons, for purposes of determining progress towards achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW 70.95.010(4);

(iv) Destination of material; and

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

(7) **Recycling and material recovery facilities – Permit requirements - Groundwater monitoring**. There are no specific groundwater monitoring requirements for recycling and material recovery facilities that are subject to this chapter; however, recycling and material recovery facilities must meet the performance standards of WAC 173-350-040.

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

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

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

(c) Methods of removing waste material.

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

(10) **Recycling and material recovery facilities - Permit application contents**. The owner or operator of a recycling or material recovery 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 WAC 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 operation 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 written notification of the jurisdictional health department.

[Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-210, filed 1/10/03, effective 2/10/03.]

WAC 173-350-220 Composting facilities.

(1) **Composting facilities - Applicability.**

(a) These standards apply ~~This section applies~~ to all facilities that treat solid waste by composting.

(b) These standards do ~~This section does~~ 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 soils regulated under WAC 173-350-320;

(iii) Anaerobic digesters regulated under WAC 173-350-250, or treatment of other liquid or solid wastes in digesters regulated under WAC 173-350-330;

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

~~(b)~~ (2) **Composting facilities – Permit exemptions.** In accordance with RCW 70.95.305, c~~C~~onditionally exempt facilities composting materials and volumes in Table 220-A must meet the conditions listed in Table 220-A, and (~~c~~a) 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. 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~~c~~) 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~~c~~) of this subsection may be subject to the ~~penalty~~ 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 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.	(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 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; 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.
(3)	Yard debris Crop residues Manure and bedding Bulking agents	Greater than 25 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 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; 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.
(4)	Agricultural wastes Yard debris Bulking agents	Greater than 25 but no more than 1,000 cubic yards of agricultural wastes and bulking agents on-farm at any one time, and up to 50% of organic materials on-farm can be yard debris.	Agricultural farms managing more than 25 cubic yards of imported yard debris on-site at any one time or composting only agricultural wastes but 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 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.
(5)	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 nNutrient mManagement 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

	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.

(a~~c~~) Composting operations managing the types and volumes of materials identified in Table 220-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 the migration of agricultural pests identified by local horticultural pest and disease control boards, as applicable;

(iii) Control nuisance odors to prevent migration beyond property boundaries;

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

(v) Allow the department or the jurisdictional health department to inspect the site at reasonable times.

(3~~2~~) **Composting facilities – Permit requirements - Location** ~~*standards (permit requirements)*~~. There are no specific location standards for composting facilities subject to this chapter; however, composting facilities must meet the ~~requirements of other federal, state,~~

~~or local laws and regulations that apply under~~performance standards of WAC 173-350-040~~(5)~~.

Note: When considering compost facility location, please review the U.S. Department of Transportation Federal Aviation Advisory Circular. No. 150/5200-33B 2007.

(4~~3~~) **Composting facilities - Permit requirements - Design** ~~*standards (permit requirements)*~~. 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 ~~requirements in~~of WAC 173-350-040; and

(ii) The facility can be operated to promote controlled, aerobic decomposition. This requirement is intended to ensure that compost facility designers take into account 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 an engineer licensed 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~~pad, impoundments, storm water 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, storm water 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, storm water 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 manage storm water and leachate to meet the standards of this section and of any and all federal, state, and local water and air quality permits.

(e) Composting facilities must minimize the production of leachate and runoff by designing storm water management features such as run-on prevention systems, which may include covered areas (roofs), diversion swales, ditches, or other features designed to divert storm water 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 collec-

tion, conveyance, and storage structures, or treatment systems. Leachate must be collected 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;

(ii) Storm water and leachate collection and conveyance structures must be designed based on the volume of water resulting from a twenty-five-year storm event ~~as defined in WAC 173-350-100~~;

(iii) Leachate storage structures such as ponds or tanks must be of 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;

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

(IV) Leachate ponds that have the potential to impound more than ten-acre feet (three million two hundred fifty-nine thousand 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) 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 storm water and leachate to separate storage or holding systems. Storm water 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.

(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 facilities at the site 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.

(64) **Composing facilities - Permit requirements - Operating** ~~*standards (permit requirements)*~~. The owner or operator of a composting facility must:

(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(~~4~~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 pathogen reduction activities. Documentation must include 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) In vessel composting - The temperature of the active compost pile must be maintained at fifty-five degrees Celsius (one hundred

thirty-one degrees Fahrenheit) or higher for three consecutive days (seventy-two hours); or

(B) Aerated static pile must have a cover such as a synthetic material or a layer of finished compost 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 degrees Celsius (one hundred thirty-one degrees Fahrenheit) or higher for three consecutive days (seventy-two hours); or

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

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

(viii) Monitor the composting process according to the plan of operation submitted during the permitting process. Monitoring must in-

clude inspection of incoming loads of feedstocks and pathogen reduction requirements of (a)(vii) of this subsection;

(ix) Collect 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 Test Methods for the Examination of Composting and Compost, Method 02.01-A through E; and

(x) Analyze composted material for metals and other testing parameters listed in Table 220-B.

(A) The jurisdictional health department may require additional tests for metals and contaminants;

(B) 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, whichever is more frequent. The jurisdictional health department may modify the frequency of testing based on historical data for a particular facility;

(C) Composted material meeting the conditions of subsections (46)(a)(x) and (6)(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

Metals and other testing parameters	Limit (mg/kg dry weight), unless otherwise specified
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 percent by weight total, not to exceed .25 percent film plastic by weight
Sharps	0
pH	5 - 10 (range)
Biological stability[2]	Moderately unstable to very stable
Fecal coliform[3]	< 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 (4~~6~~)(f)(iii)(D)(I).
[2]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]Test for either fecal coliform or salmonella.

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) Prepare and submit ~~a copy of~~ 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;

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

(v) Annual summary of laboratory analysis of composted material; and

(vi) Any additional information required by 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(~~4~~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 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) Throughput 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 throughput;

(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 0.1~~%~~ percent film plastic by weight but does not exceed 0.25 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) Storm water 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; ~~and~~

(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 storm water 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~~5~~) **Composting facilities – Permit requirements - Groundwater monitoring** ~~*requirements (permit requirements)*~~. There are no specific groundwater monitoring requirements for composting facilities subject to this chapter; however, composting facilities must meet the ~~requirements~~ performance standards of ~~other federal, state, or local laws and regulations that apply under~~ WAC 173-350-040~~(5)~~.

(8~~6~~) **Composting facilities – Permit requirements - Closure** ~~**requirements** *(permit requirements)*~~. The owner or operator of a composting facility must:

(a) Notify the jurisdictional health department sixty days in advance of closure. At closure, the facility owner or operator is financially responsible for the 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 an-

other facility that complies 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 methods of removing solid waste, leachate, and other organic materials from the facility. For planning purposes, assume that the facility is at full, permitted capacity at the time of closure.

(9~~7~~) **Composing facilities – Permit requirements - Financial assurance** ~~*requirements (permit requirements)*~~. There are no specific financial assurance requirements for composting facilities subject to this chapter; however, composting facilities must meet the ~~requirements~~ performance standards of ~~other federal, state, or local laws and regulations that apply under~~ WAC 173-350-040~~(5)~~.

(10~~8~~) **Composting facilities - Permit application contents** ~~*(permit requirements)*~~. 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 the procedures established in WAC 173-350-710. In addition to the require-

ments of WAC 173-350-710 and WAC 173-350-715, each application for a permit must contain:

(a) Engineering reports, plans, and specifications that address the ~~design~~ standards of subsections (4~~3~~)and (5) of this section;

(b) A plan of operation meeting the requirements of subsection (6~~4~~) of this section; and

(c) A closure plan meeting the requirements of subsection (8~~6~~) of this section.

~~(9) *Composting facilities - Construction records (permit requirements).* Within thirty days of completing construction, the owner or operator of a composting facility must provide copies of the construction record drawings for engineered facilities at the site 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.~~

(1~~0~~) **Composting facilities - Designation of composted materials** ~~*(permit requirements)*~~. 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 RCW, Solid waste management—Reduction and recycling. [Statutory Authority: RCW 70.95.020(3), 70.95.060(1), 70.95.260(6), 70.95.305, 70.95.330. WSR 13-08-016 (Order 10-06), § 173-350-220, filed 3/25/13, effective 4/25/13. Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-220, filed 1/10/03, effective 2/10/03.]

WAC 173-350-225 Other organic material handling activities.

(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 per-

mit 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 ~~sub~~section may be subject to the ~~penalty~~ enforcement provisions of RCW 70.95.315.

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 gallons or 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 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 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 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.
(3)	Preconsumer vegetative food waste Yard debris Crop residues Manure and bedding Bulking agents	Greater than 25 but no more than 1,000 cubic yards of material on-site at any one time.	Exemption applies to vermicomposting only. Vermicomposting facilities managing more than 25 cubic yards of only the listed feedstocks 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 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.
(4)	All organic feedstocks	Greater than 5,000 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 material on-site at any one time.	Other conversion technologies managing more than 5,000 gallons liquid or semi-solid or 25 cubic yards of nonliquid 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 meet the following conditions:

	Organic Materials	Volume	Specific Requirements for Activity or Operation
			(i) Sample and test material every 1 million gallons or 5,000 cubic yards 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 material meets the conditions for 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 WAC 173-350-230, Land application; or (v) Use material in accordance with 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 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.

(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) 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) Manage the operation to prevent attraction of flies, rodents, 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.

[Statutory Authority: RCW 70.95.020(3), 70.95.060(1), 70.95.260(6), 70.95.305, 70.95.330. WSR 13-08-016 (Order 10-06), § 173-350-225, filed 3/25/13, effective 4/25/13.]

WAC 173-350-230 Land application.

(1) **Land application - Applicability**.

(a) These standards apply ~~This section applies~~ to solid waste that is beneficially used on the land through application at an agronomic rate, as a soil amendment, or for ~~for its agronomic value, or soil-amending capability, including~~ land reclamation.

(b) ~~This section does~~ These standards do not apply to:

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

(~~b~~ii) ~~The application of commercial fertilizers registered with the Washington state department of agriculture as provided in RCW~~

~~15.54.325, and which are applied in accordance with the standards established in RCW 15.54.800(3);~~

~~(b) Biosolids regulated under chapter 173-308 WAC, Biosolids management;~~

~~(c) Composted materials no longer considered solid waste under WAC 173-350-220(10);~~

~~(d) Dangerous waste regulated under chapter 173-303 WAC Dangerous waste regulations;~~

~~(e) Waste derived soil amendments~~Land application of solid waste exempted from permitting under WAC 173-350-200; ~~and~~

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

(iv) Composted materials meeting the compost quality standards of WAC 173-350-220;

(v) Vermicompost and organic materials meeting the terms and conditions for permit-exemption of WAC 173-350-225;

(vi) Impacted soil and impacted sediment managed consistent with the criteria in WAC 173-350-995; and

(vii) Digestate meeting the terms and conditions for permit-exemption or permitting requirements of WAC 173-350-250.

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

(3) **Land application – Permit requirements - Location ~~standards~~**. There are no specific location standards for land application of solid waste subject to this chapter; however, land application sites must meet the ~~requirements provided under~~performance standards of WAC 173-350-040~~(5)~~.

(4~~3~~) **Land application – Permit requirements - Design ~~standards~~**. There are no specific design standards for land application of solid waste subject to this chapter; however, land application sites must meet the ~~requirements provided under~~performance standards of WAC 173-350-040~~(5)~~.

(5~~4~~) **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 - Operating ~~standards~~**. The owner or operator of a land application site ~~shall~~ must:

(a) O~~o~~perate the site in compliance with the performance standards of WAC 173-350-040 and this section. ~~The jurisdictional health~~

~~department shall determine the need for environmental monitoring to ensure compliance with the performance standards.~~ In addition the owner or operator ~~shall~~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) ~~Operate the site to ensure that:~~ 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;

(v) 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 to achieve a soil organic matter content or other soil physical characteristic and 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) 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) 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) 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 RCW, Washington clean air act), including a description of how owners or operators will respond to complaints;

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

(~~i~~x) For waste stored in piles ~~on~~ at the ~~site~~ 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 ~~and in case of fire or flood~~ is prevented;

(B) The potential for combustion within the pile ~~and the potential for combustion from other sources~~ is minimized;

(C) The duration of ~~on-site waste~~ 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 ~~and~~ or land. Subsequent accumulation under the same conditions is allowed at the same location after the entire pile has been used; and

~~(D) The amount of material on site does not exceed the amount that could potentially be applied to the site during a one-year period in accordance withto the plan of operations; or~~

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

(xi) 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) 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;

~~(ii) For storage of liquid waste or semisolid waste in surface impoundments or tanks, the requirements of WAC 173-350-330 are met;~~

~~(iii) Land application occurs at a predictable application rate determined as follows:~~

~~(A) For agricultural applications, solid waste shall 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 guidance accepted by the jurisdictional health department;~~

~~(B) For the purposes of land reclamation or other soil amending activities, the application rate may be designed to achieve a soil organic matter content or other soil physical characteristic and 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 shall also be based on soil permeability and infiltration rate.~~

(xiii) A description of how the owner or operator will m~~M~~aintain ~~daily~~ operating records of the location where waste is applied, amount and type of waste applied ~~to the land~~, the crop planted, and ~~and any additional~~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 ~~shall~~ must be noted in the operating record. Records must ~~shall~~ be kept for a minimum of five years and ~~shall~~ be available upon request by the jurisdictional health department; and

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

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

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

(ii) Calendar year covered by the report;

(iii) Annual ~~quantity~~ quantities and types of waste managed~~received from each source~~;

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

(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.

~~(d) Develop, keep, and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the~~

~~jurisdictional health department. Each plan of operation shall include the following:~~

~~(i) A description of the types of solid wastes to be handled at the site;~~

~~(ii) A description of how wastes are to be handled on-site during the life of the site including:~~

~~(A) How wastes will be delivered to the site and meet any local agency notification requirements;~~

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

~~(I) How the equipment and system will be calibrated to deliver waste at the agronomic rate;~~

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

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

~~(IV) Any proposed restrictions on application related to climatic factors including typical precipitation, twenty-five-year storm events~~

~~as defined in WAC 173-350-100, temperature, and wind, or site conditions including frozen soils and seasonal high groundwater;~~

~~(C) A description of how the waste will be managed at all points during storage and application to control attraction to disease vectors and to mitigate nuisance odor impacts;~~

~~(iii) A spill response plan including the names and phone numbers of all contacts to be notified in the event of a spill and how the spill will be cleaned up;~~

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

~~(v) A waste monitoring plan providing analytical results representative of the waste being applied to the land, over time, taking into account the rate of production of the waste, timing of delivery, and storage;~~

~~(vi) The forms used to record volumes, weights and waste application data;~~

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

(7~~5~~) **Land application - Permit requirements - Groundwater monitoring** ~~*requirements*~~. There are no specific groundwater monitoring requirements for land application sites subject to this chapter; however, land application sites must meet the ~~requirements provided under~~ performance standards of WAC 173-350-040~~(5)~~.

(8~~6~~) **Land application - Permit requirements - Closure** ~~*requirements*~~. The owner or operator of all land application sites ~~shall~~ must notify the jurisdictional health department sixty days in advance of closure. All land application sites ~~shall~~ must be closed by applying all materials in storage in accordance with the permit, or by removing those materials to a facility that conforms to the applicable regulations for handling the waste.

(9~~7~~) **Land application - Permit requirements - Financial assurance** ~~*requirements*~~. There are no specific financial assurance requirements for land application sites subject to this chapter; however, land application sites must meet the ~~requirements provided under~~performance standards of WAC 173-350-040~~(5)~~.

(10~~8~~) **Land application - Permit application contents**.

(a) The owner or operator of land application sites subject to this section ~~shall~~ must obtain a solid waste permit from the jurisdic-

tional health department. All applications for permits ~~shall~~ must be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and WAC 173-350-715, each application for a permit ~~shall~~ must contain:

(i) Contact information, including name, contact person, mailing address, phone, fax, e-mail 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) Statement of intended use. The permit application shall contain a clear explanation of the benefit to be obtained from land application of the material. Avoidance of disposal is not adequate justification for land application of solid waste.~~

~~(iii) An analysis of the waste which includes:~~

~~(A) A description of the material to be applied to the land;~~

~~(B) A description of the processes by which the material is generated and treated including all processed feedstocks;~~

~~(C) Any pseudonyms or trade names for the material;~~

~~(D) A discussion of the potential for the material to generate nuisance odors or to attract disease vectors, including any complaints regarding nuisance odors associated with this material;~~

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

(A~~I~~) Total arsenic;

(B~~II~~) Total barium;

(C~~III~~) Total cadmium;

(D~~IV~~) Total chromium;

(E~~V~~) Total copper;

(F~~VI~~) Total lead;

(G~~VII~~) Total mercury;

(H~~VIII~~) Total molybdenum;

(I~~IX~~) Total nickel;

(J~~X~~) Total selenium; and

(K~~XI~~) Total zinc.

(iii~~F~~) An analysis of nutrients at a minimum to include ~~total Kjeldahl~~organic nitrogen, ~~total~~ nitrate-nitrogen, ~~total ammonia- and~~

ammonium-nitrogen, total phosphorus, and ~~extractable~~ total potassium, reported on a dry weight basis;

(iv~~G~~) An analysis of physical/chemical parameters to include at a minimum: Total solids, ~~total volatile solids,~~ pH, ~~electrical conductivity~~soluble salts, total organic carbon;

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

~~(I) The concentration of fecal coliform bacteria expressed as CFU or MPN per gram of dry solid material; and~~

(vi~~J~~) Any additional analysis required by the jurisdictional health department. The jurisdictional health department may reduce the analytical requirements of this section; ~~Methods of analysis are to be determined by the jurisdictional health department.~~

(vii~~iv~~) A ~~comprehensive~~ land application site characterization including:

(A) A description of current practices and a brief description of past practices on the ~~application~~ site~~;, including application of wastes, soil amendments, manures, biosolids, liming agents, and other fertilization practices, livestock usage, irrigation practices, and~~

~~crop history. Also indicate whether any management plan has been prepared for the site such as a farm, forest, or nutrient management plan. Discuss any potential changes to management practices at the site;~~

~~(B) A description of the climate at the application site including typical precipitation, precipitation of a twenty-five-year storm, as defined in WAC 173-350-100, temperatures, and seasonal variations;~~

(B~~C~~) A ~~brief~~ 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~~D~~) An analysis of soil nutrients including ~~residual nitrate~~ plant available nitrogen in the upper ~~two~~ three feet of soil in one foot increments;

(D~~E~~) A site map showing property boundaries, ~~and ownership of~~ 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~~F~~) 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~~G~~) Show the following information on either of the maps provided or on additional maps~~ if needed~~:

(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) Adjacent properties, uses, and their zoning classifications;~~

~~(VII) Delineation of wetlands on the site;~~

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

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

(VIIIX) The location of all wells within one-quarter mile of the boundary of the application area ~~which are listed in public records or otherwise known,~~ whether for domestic, irrigation, or other purposes;

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

(XII) 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

~~(XIII) A copy of the Natural Resources Conservation Service soil survey map from the most recent edition of the soil survey that includes the distribution of soil types with an overlay of the site boundaries; and~~

(XIV) 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.

(viiiv) A plan of operation meeting the requirements of subsection (64) 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 of the jurisdictional health department the areas are sufficiently proximate and management practices are 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.

[Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-230, filed 1/10/03, effective 2/10/03.]

WAC 173-350-240 Energy recovery and incineration facilities.

(1) **Energy recovery and incineration facilities - Applicability**.

(a) These standards apply to all facilities designed to burn more than twelve tons of solid waste or refuse-derived fuel per day.

(b) These standards do not apply to facilities that burn gases ~~recovered at~~from a landfill or solid waste digester~~s~~.

(2~~c~~) **Energy recovery and incineration facilities – Permit exemptions.** In accordance with RCW 70.95.305, the combustion of waste materials in compliance with the terms and conditions of ~~wood waste, wood derived fuel, and wastewater treatment sludge generated from the manufacturing of wood pulp or paper, for the purpose of energy recovery is subject solelyto the requirements of (d)(i) through (iv) of this subsection and is exempt from solid waste handling permitting~~ Table 240-A is exempt from the requirement to obtain a solid waste handling permit from the jurisdictional health department. ~~An owner or operator that does not comply with the terms and conditions of (d)(i) through (iv) of this subsection is required to obtain a permit from the jurisdictional health department and shall~~ must ~~comply with all other applicable requirements of this chapter~~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 ~~(d)(i) through (iv) of~~ this subsection may be subject to the ~~penalty~~ enforcement provisions of RCW 70.95.315.

~~(d) Owners and operators of all categorically exempt energy recovery facilities shall~~

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

~~(ii) Ensure that only fuels approved in writing by the agency with jurisdiction over the facility for air quality regulation are combusted;~~

~~(iii) Allow department and jurisdictional health department representatives to inspect the facility at reasonable times for the purpose of determining compliance with this chapter; and~~

~~(iv) Ensure that wastewater treatment sludge generated from the manufacturing of wood pulp or paper is combusted only in energy recovery units at the facility from which it originates.~~

Table 240-A Terms and Conditions for Solid Waste Permit Exemption~~s~~

	Waste Materials	Specific Requirements for Activity or Operation
(1)	Wood waste Wood derived fuel Wastewater treatment sludge generated from the manufacturing of wood pulp or paper	(a) Meet the performance standards of WAC 173-350-040; (b) Ensure that only materials approved in writing by the agency with jurisdiction over the facility for air quality regulation are combusted; (c) Allow department and jurisdictional health department representatives to inspect the facility at reasonable times for the purpose of determining compliance with this chapter; and (d) Ensure that wastewater treatment sludge generated from the manufacturing of wood pulp or paper is combusted only in energy recovery units at the facility from which it originates.

(3~~2~~) **Energy recovery and incineration facilities - Permit requirements - Location** ~~*standards*~~. There are no specific location standards for energy recovery or incineration facilities subject to this

chapter; however, energy recovery and incineration facilities must meet the ~~requirements provided under~~performance standards of WAC 173-350-040~~(5)~~.

(~~4~~3) **Energy recovery and incineration facilities – Permit requirements - Design** ~~standards~~. Energy recovery and incineration facilities must be designed so that the facility can be operated to meet the ~~There are no specific design standards for energy recovery or incineration facilities subject to this chapter; however, energy recovery and incineration facilities must meet the requirements provided under~~performance standards of WAC 173-350-040~~(5)~~. The owner or operator of an energy recovery or incineration facility must prepare engineering reports/plans and specifications to address the following:

(a) The design of the storage and handling units for incoming waste as well as fly ash, bottom ash and any other wastes produced by air or water pollution controls; and

(b) The design of the incinerator or thermal reactor, including charging or feeding systems, combustion air systems, combustion or reaction chambers, including heat recovery systems, ash handling systems, and air pollution and water pollution control systems. Instrumentation and monitoring systems design must also be included.

(54) **Energy recovery and incineration – Permit requirements – Documentation.**

(a) The owner or operator must submit facility drawings and construction documents for, at a minimum, any elements described in (4) of this section to the jurisdictional health department for review and approval. The facility drawings and construction documents must be prepared by an engineer licensed in the state of Washington, 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 performance standards of WAC 173-350-040;

(ii) Scale drawings of the facility including the location and size of waste storage areas, fixed equipment, buildings, storm water 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 as applicable; and

(iv) For new construction, 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 facilities at the site and a report documenting facility construction, including the results of observations and any 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 report/plans and specifications and has approved the construction documentation in writing.

(6) **Energy recovery and incineration facilities – Permit requirements - Operating** ~~*standards*~~. The owner or operator of an energy recovery or incineration facility ~~shall~~must:

(a) O~~o~~perate 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 shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation must include the following:

(i) ~~Operate the facility to~~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 onsite, including maximum facility capacity, methods of adding or removing waste materials from the facility and equipment used;

(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) Confine solid wastes prior to and after processing to specifically designed piles, surface impoundments, tanks or containers meeting the applicable standards of this chapter. Storage of wastes other

than in the specifically designed storage ~~compartments~~ containers is prohibited. Equipment and space ~~shall~~ must be provided in the storage and charging areas, and elsewhere as needed, to allow periodic cleaning as required to maintain the plant in a sanitary and clean condition;

(D) Manage solid wastes on-site during the facility's active life, including alternative storage, and/or disposal plans for all situations that would result in overfilling of the storage facility;

(E~~ii~~) Handle solid wastes, including combustion or other residues, in a manner that complies with this chapter; and

(F~~i~~) Provide recyclable material collection at all facilities that accept municipal solid waste from the general public, self-haul residential, or commercial waste generators. ~~and~~

~~(iv) Ensure that dangerous waste is not disposed, treated, stored or otherwise handled, unless the requirements of chapter 173-303 WAC, Dangerous waste regulations, are met.~~

(v~~i~~) Inspect the facility to prevent malfunctions and deterioration, operator errors and discharges that may lead to the release of wastes to the environment or cause a threat to human health. Inspections must address how equipment, structures and other systems, in-

cluding leachate collection and gas collection equipment, are to be inspected and maintained. The owner or operator ~~shall~~ must conduct these inspections as needed, but at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. Inspections must be recorded on an inspection form to be included in the plan of operation;

(vi~~i~~) A description of how operators will m~~M~~aintain ~~daily~~ operating records on the amounts (weights or volume) and types of waste ~~s~~ received and removed from the facility, and number of vehicles delivering waste to the facility, including 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. The operator must notify the jurisdictional health department prior to any significant deviation from the operations plan, and deviations must be noted in the operating record. ~~Facility inspection reports~~ Records ~~shall~~ must be ~~maintained~~ kept for a minimum of five ~~(5)~~ years and must be available upon request by the jurisdiction-

al health department;~~in the operating record. Significant deviations from the plan of operation shall also be noted on the operating record. Records shall be maintained for a minimum of five years and shall be available upon request by the jurisdictional health department.~~

(vii) Safety, fire and emergency plans including:

(~~i~~A) Actions to take if there is a fire or explosion;

(~~ii~~B) Actions to take if leaks are detected;

(~~iii~~C) Remedial action programs to be implemented in case of a release of hazardous substances to the environment; and

(~~iv~~D) Actions to take for other releases (e.g., failure of runoff containment system).

(viii) Other such details to demonstrate that the facility will be operated in accordance with this chapter 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 ~~and the department~~ by April 1st of each year on forms supplied by the department. The annual report ~~shall~~ must detail the facility's activities during the previous calendar year and ~~shall~~ must include ~~the following information~~:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual ~~quantity~~ quantities and types~~of each type~~ of ~~solid~~ waste received and incinerated, in tons if available;

(iv) Annual quantity, type and destination of ~~solid~~ waste by-passed, in tons;

(v) Annual quantity of ash disposed and disposal location, in tons; and

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

~~(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation shall include the following:~~

~~(i) A description of the types of solid wastes to be handled at the facility;~~

~~(ii) How solid wastes are to be handled on-site during the facility's active life, including alternative storage, and/or disposal plans for all situations that would result in overfilling of the storage facility;~~

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

~~(iv) Safety, fire and emergency plans including:~~

~~(A) Actions to take if there is a fire or explosion;~~

~~(B) Actions to take if leaks are detected;~~

~~(C) Remedial action programs to be implemented in case of a release of hazardous substances to the environment;~~

~~(D) Actions to take for other releases (e.g., failure of runoff containment system);~~

~~(v) Forms used to record volumes or weights;~~

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

(7~~5~~) **Energy recovery and incineration facilities - Permit requirements - Groundwater monitoring** ~~requirements~~. There are no specific groundwater monitoring requirements for energy recovery and incineration facilities subject to this chapter; however, energy recovery and incineration facilities must meet the ~~requirements provided under~~ performance standards of WAC 173-350-040~~(5)~~.

(8~~6~~) **Energy recovery and incineration facilities - Permit requirements - Closure** ~~*requirements*~~. The owner or operator of an energy recovery or incineration facility ~~shall~~ must develop, keep, and follow a closure plan that includes:

(a) ~~Notify~~ Notification to the jurisdictional health department one hundred eighty days in advance of closure; ~~At the time of closure all solid waste shall be removed to a facility that conforms with the applicable regulations for handling the waste.~~

(b) ~~Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include the methods of removing waste.~~Removal of all waste material to a facility that meets all applicable regulations for handling the waste, or combustion of all remaining waste prior to closure; and

(c) Methods of removing waste material.

~~(7) *Energy recovery and incineration facilities - Environmental impact statement required*. In accordance with RCW 70.95.700, no solid waste energy recovery or incineration facility established on or after January 1, 1989 shall may be operated prior to the completion of an environmental impact statement containing the considerations required under RCW 43.21C.030 (2)(c) and prepared pursuant to the procedures of chapter 43.21C RCW, State Eenvironmental Ppolicy aAct.~~

(9~~8~~) **Energy recovery and incineration facilities – Permit requirements - Financial assurance~~ requirements~~**. There are no specific financial assurance requirements for energy recovery facilities and incineration facilities subject to this chapter; however, energy recovery and incineration facilities must meet the ~~requirements provided under~~performance standards of WAC 173-350-040~~(5)~~.

(10~~9~~) **Energy recovery and incineration facilities - Permit application contents**. The owner or operator of an energy recovery or incineration facility ~~shall~~ must obtain a solid waste permit from the jurisdictional health department. All applications for permits ~~shall~~ must be in accordance with the procedures established in WAC 173-350-

710. In addition to the requirements of WAC 173-350-710 and WAC 173-350-715, each permit application ~~shall~~ must contain:

(a) ~~Preliminary e~~Engineering reports/plans and specifications that address the standards of subsection (4) and (5) of this section;

~~(i) The design of the storage and handling facilities on-site for incoming waste as well as fly ash, bottom ash and any other wastes produced by air or water pollution controls; and~~

~~(ii) The design of the incinerator or thermal treater, including charging or feeding systems, combustion air systems, combustion or reaction chambers, including heat recovery systems, ash handling systems, and air pollution and water pollution control systems. Instrumentation and monitoring systems design shall also be included.~~

(b) A plan of operation that addresses the requirements of subsection (6~~4~~) of this section; and

(c) A closure plan meeting the requirements of subsection (8~~6~~) of this section.

(11) **Energy recovery and incineration facilities - Environmental impact statement**. In accordance with RCW 70.95.700, no solid waste energy recovery or incineration facility established on or after January 1, 1989 may be operated prior to the completion of an environmental

impact statement containing the considerations required under RCW 43.21C.030 (2)(c) and prepared pursuant to the procedures of chapter 43.21C RCW, State environmental policy.

[Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-240, filed 1/10/03, effective 2/10/03.]

WAC 173-350-250 Anaerobic digesters.

(1) **Anaerobic digesters - Applicability.**

(a) These standards apply ~~This section applies~~ to all facilities that treat solid waste by anaerobic digestion.

(b) These standards do not apply to~~, except (a), (b), and (c) of this subsection~~:

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

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

(~~c~~iii) Anaerobic digesters regulated in accordance with 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 ~~penalty~~ 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~~:~~

~~•~~ o~~O~~btain a solid waste handling permit from the jurisdictional health department~~;~~ and

~~• C~~comply with all applicable requirements of this chapter.

Violations of the terms and conditions of Table 250-A and (b) of this subsection may be subject to the ~~penalty~~ enforcement provisions of RCW 70.95.315.

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 gallons or 25 cubic yards of material on-site at any one time.	No notification, reporting or testing requirements.
(2)	All organic feedstocks	Greater than 5,000 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	For facilities managing more than 5,000 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:

	Organic Materials	Volume	Specific Requirements for Activity or Operation
		cubic yards of nonliquid material on-site at any one time.	(i) Sample and test digestate solids every 5,000 cubic yards 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) Process or manage digestate in an alternate manner approved by the department or the jurisdictional health department; (vii) 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.
(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	No limits when livestock manure is at least 50 percent~~%~~ of total feedstocks volume, and imported, nonmanure organic feedstocks are not greater than 30 percent~~%~~ of total feedstock volume.	(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:
	Organic feedstocks except materials collected from municipal, commercial or residential solid waste collection programs. All imported organic materials must be preconsumer.		(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.
	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		(c) The anaerobic digester must be designed and operated in accordance with standards in the Natural Resources Conservation Service's Conservation Practice Standard, Code 366, in effect as of July 26, 2009. (d) All imported organic feedstocks must be fed into the anaerobic digester within 36 hours.

	Organic Materials	Volume	Specific Requirements for Activity or Operation
	Department of Agriculture, the United States Food and Drug Administration, the Washington state department of agriculture, or other applicable regulatory agency. 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. Imported organic feedstocks cannot contain sheep carcasses or sheep processing waste.		(e) Digestate must be managed in accordance with a dairy nutrient management plan under chapter 90.64 RCW, Dairy nutrient management, that includes elements addressing management and use of digestate. Digestate that is managed in accordance with 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. (f) Facilities that distribute digestate (solids, semi-solids or liquids) off-site other than under a nutrient management plan must 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; or (ii) Be sent to an off-site permitted compost facility for further treatment to meet compost quality standards; or (iii) Be processed or managed in an alternate manner approved by the department; and facilities must: 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.

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

(ii) Allow inspections by the department and/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.

(3) **Anaerobic digesters - Permit requirements - Location** ~~standards (permit requirements)~~. There are no specific location standards for anaerobic digesters subject to this chapter; however, anaerobic digesters must meet the ~~requirements of other federal, state, or local laws and regulations that apply under~~performance standards of WAC 173-350-040~~(5)~~.

Note: When considering anaerobic digestion facility location, please review the U.S. Department of Transportation Federal Aviation Advisory Circular No. 150/5200-33B. 2007.

(4) **Anaerobic digesters - Permit requirements - Design**~~standards (permit requirements)~~. Anaerobic digesters must be designed ~~such~~ so that the facility can be operated to meet the performance standards ~~requirements in~~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 reports, plans, and specifications must be prepared by an engineer licensed 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, storm water 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, storm water 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, storm water 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 waste receiving areas, digesters, digestate management features, storm water, 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 storm water and leachate to separate storage or holding systems. Storm water 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 be constructed of materials such as concrete (with sealed joints) or asphaltic concrete that prevents subsurface soil and groundwater contamination; and

(E) 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, ~~provided~~ 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) 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(~~3~~4); or

(C) Other engineered design that the owner or operator can demonstrate ~~complies with the conditions~~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) Storm water management features must divert storm water 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 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;

(vii) Leachate ponds or tanks, or digestate liquid storage in ponds or tanks must meet one of the following conditions:

(A) Ponds 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 must 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 con-

structed with a high density polyethylene geomembrane must be at least 60-mil thick to allow for proper welding; and

(I) 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) Have freeboard (distance between the liquid level and the top of the pond) equal to or greater than eighteen inches to avoid overtopping from wave action, overfilling, or precipitation. The jurisdictional health department may reduce the freeboard requirement ~~provided that~~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 (~~3~~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 gallons) of liquid measured from the top of the dike and that would be released by a failure of the containment dike must be reviewed and approved by the department's dam safety section.

(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 drawings for engineered facilities at the site; and

(b) A report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan.

(6) **Anaerobic digesters – Permit requirements - Operating** ~~standards (permit requirements)~~. The owner or operator of an anaerobic digester must operate 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 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) Ensure the facility operates under the supervision and control of a properly trained individual during hours of operation when facility staffing is required;

(vii) 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; and

(viii) Restrict access to the facility when the facility is closed.

(b) Inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges that may lead to the release of wastes to the environment or cause a threat to human health. The owner or operator must conduct these inspections as needed, but at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process.

(c) 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 ~~a copy of~~ 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(46) (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 ~~abide by~~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 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;

(ix) An 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, 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/response plan;

(xii) The forms used to record volumes (in cubic yards or gallons) of accepted feedstocks; and

(xiii) Other ~~such~~ details to demonstrate that the facility is operated in accordance with this chapter and as required by the jurisdictional health department.

(7~~6~~) **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 ~~requirements of other federal, state, or local laws and regulations that apply under~~performance standards of WAC 173-350-040~~(5)~~.

(8~~7~~) **Anaerobic digester - Permit requirements - Closure** ~~requirements~~. 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 capacity when it is closed; and

(b) Notify the jurisdictional health department sixty 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 applicable regulations for handling the waste.

(9~~8~~) **Anaerobic digester - Permit requirements - Financial assurance** ~~requirements (permit requirements)~~. There are no specific financial assurance requirements for anaerobic digestion facilities subject to this chapter; however, anaerobic digestion facilities must meet the ~~requirements of other federal, state, or local laws and regulations that apply under~~performance standards of WAC 173-350-040~~(5)~~.

(10~~9~~) **Anaerobic digester - Permit application contents** ~~(permit requirements)~~. 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 the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and WAC 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~~5~~) of this section; and

(c) A closure plan meeting the requirements of subsection (8~~7~~) of this section.

~~(10) *Anaerobic digester - Construction records (permit requirements).* 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 drawings for engineered facilities at the site; and~~

~~(b) A report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan.~~

[Statutory Authority: RCW 70.95.020(3), 70.95.060(1), 70.95.260(6), 70.95.305, 70.95.330. WSR 13-08-016 (Order 10-06), § 173-350-250, filed 3/25/13, effective 4/25/13.]

WAC 173-350-300 On-site storage, collection, and transportation standards.

(1) **On-site storage, collection, and transportation standards - Applicability**. These standards apply ~~This section is applicable~~ to the temporary storage of solid waste in a container at a premises, business establishment, or industry and the collecting and transporting of the solid waste.

(2) **On-site storage**.

(a) The owner or occupant of any premises, business establishment, or industry ~~shall~~ is~~be~~ responsible for the safe and sanitary

storage of all containerized solid wastes accumulated at those premises.

(b) The owner, operator, or occupant of any premises, business establishment, or industry ~~shall~~ must store solid wastes in containers that meet the following requirements:

(i) Disposable containers ~~shall~~ must be sufficiently strong to allow lifting without breakage and ~~shall~~ must be thirty-two gallons in capacity or less where manual handling is practiced;

(ii) Reusable containers, except for detachable containers, ~~shall~~ must be:

(A) Rigid and durable;

(B) Corrosion resistant;

(C) Nonabsorbent and water tight;

(D) Rodent-proof and easily cleanable;

(E) Equipped with a close-fitting cover;

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

(G) Equal to or less than thirty-two gallons in volume where manual handling is practiced.

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

(3) **Collection and transportation standards**.

(a) All persons collecting or transporting solid waste ~~shall~~ must avoid littering at the loading point, during transport and during proper unloading of the solid waste.

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

(c) Vehicles or containers used for the collection and transportation of any solid waste ~~shall~~ must be loaded and moved in ~~such~~ 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 ~~shall~~ must be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

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

[Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-300, filed 1/10/03, effective 2/10/03.]