

Chapter 173-350 WAC

SOLID WASTE HANDLING STANDARDS

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WAC 173-350-010 Purpose. This chapter is adopted under the authority of chapter 70.95 RCW, Solid waste management—Reduction and recycling, to protect public health, to prevent land, air, and water

pollution, and conserve the state's natural, economic, and energy resources by:

(1) Setting minimum functional performance standards for the proper handling and disposal of solid waste originating from residences, commercial, agricultural and industrial operations and other sources;

(2) Identifying those functions necessary to assure effective solid waste handling programs at both the state and local level;

(3) Following the priorities for the management of solid waste as set by the legislature in chapter 70.95 RCW, Solid waste management—Reduction and recycling;

(4) Describing the responsibility of persons, municipalities, regional agencies, state and local government related to solid waste;

(5) Requiring solid waste handling facilities to be located, designed, constructed, operated and closed in accordance with this chapter;

(6) Promoting regulatory consistency by establishing statewide minimum standards for solid waste handling; and

(7) Encouraging the development and operation of waste recycling facilities and activities needed to accomplish the management priority of waste recycling.

[Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-010, filed 1/10/03, effective 2/10/03.]

WAC 173-350-020 Applicability.

(1) This chapter applies to facilities and activities that manage solid wastes as ~~that term is~~ defined in WAC 173-350-100. ~~This chapter does not apply to the following:~~ Facilities handling solid waste must comply with the standards of all applicable sections of this chapter.

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

(~~1~~a) Overburden from mining operations intended for return to the mine;

(~~2~~b) Wood waste used for ornamental, animal bedding, mulch and plant bedding, or road building purposes;

(~~3~~c) Wood waste directly resulting from the harvesting of timber left at the point of generation and ~~subject to~~ regulated under chapter 76.09 RCW, Forest practices;

(4d) Land application of manures and bedding, ~~and~~ crop residue, and on-farm vegetative waste at agronomic rates;

~~(5) Agricultural composting when all agricultural wastes are generated, processed, and applied on-farm at agronomic rates in accordance with accepted agricultural practices. This categorical exemption does not apply to producers subject to RCW 70.95.306, composting of bovine and equine carcasses;~~

(6e) Mushroom substrate production when materials that are not solid waste (such as processed chicken manure) are used in the production;

~~(7) Home composting as defined in WAC 173-350-100;~~

(8f) Single-family residences and single-family farms whose year round occupants engage in solid waste disposal regulated under WAC 173-351-700(4);

(9g) Clean soils ~~and clean dredged material~~ sediment as defined in WAC 173-350-100;

~~(10h) Dredged material as defined in 40 C.F.R. 232.2 that is subject to;~~

~~(ai) The requirements of a permit issued by the U.S. Army Corps of Engineers or an approved state under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);~~

~~(bii) The requirements of a permit issued by the U.S. Army Corps of Engineers under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413); or~~

~~(ciii) In the case of U.S. Army Corps of Engineers civil works projects, the administrative equivalent of the permits referred to in (a) and (b) of this subsection, as provided for in U.S. Army Corps of Engineers regulations, including, for example, 33 C.F.R. 336.1, 336.2, and 337.6;~~
The following activities regulated under section 404 or 401 of the Clean Water Act (33 U.S.C. Sec. 1344 or 1341) or section 10 of the Rivers and Harbors Act (33 U.S.C. Sec. 403):

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

(ii) Placement of dredged material, as defined in 40 C.F.R. Sec. 232.2, into surface water or onto land adjacent to surface water.

~~(11i)~~ Biosolids that are managed under chapter 173-308 WAC, Biosolids management;

(~~12~~j) Domestic septage taken to a sewage treatment plant permitted under chapter 90.48 RCW, Water pollution control;

(~~13~~k) Liquid wastes, the discharge or potential discharge of which, is regulated under federal, state or local water pollution permits;

(~~14~~l) Domestic wastewater facilities and industrial wastewater facilities otherwise regulated by federal, state, or local water pollution permits;

(~~15~~m) Dangerous wastes fully regulated under chapter 70.105 RCW, Hazardous waste management, and chapter 173-303 WAC, Dangerous waste regulations;

(~~16~~n) Special incinerator ash regulated under chapter 173-306 WAC, Special incinerator ash management standards;

(~~17~~o) PCB wastes regulated under 40 C.F.R. Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions, except for:

(~~a~~i) PCB household waste; and

(~~b~~ii) PCB bulk product wastes identified in 40 C.F.R. Part 761.62

(b)(1) that are disposed of in limited purpose landfills.

(~~18~~p) Radioactive wastes, defined by chapter 246-220 WAC, Radiation protection-General provisions, and chapter 246-232 WAC, Radioactive protection-Licensing applicability;

(~~19~~q) Landfilling of municipal solid waste regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills;

~~(20) Drop boxes used solely for collecting recyclable materials;~~

(~~21~~r) Intermodal facilities as defined in WAC 173-350-100; ~~and~~

(~~22~~s) Collection, transport, and sale of used goods and materials solely for the purpose of reuse as defined in WAC 173-350-100;

(t) Solid waste handling facilities that have engaged in closure and closed before the effective date of this chapter;

(u) Commercial fertilizers registered with the Washington state department of agriculture and managed in accordance with the provisions of chapter 15.54 RCW, Fertilizers, minerals, and limes, and rules adopted thereunder;

(v) Manufactured topsoil, as defined in WAC 173-350-100, composed only of clean soil and clean sediment, composted materials, wood waste, or other commercial products (e.g. bioretention soil media, water retaining crystals, registered commercial fertilizers);

(w) Engineered soil, as defined in WAC 173-350-100, when reused, as defined in WAC 173-350-100, in another construction project for the same engineering properties;

(x) Management of soil and sediment within a site requiring remedial action under chapter 70.105D RCW, Hazardous waste cleanup-Model toxics control act, chapter 90.48 RCW, Water pollution control, or 42 U.S.C Sec. 9601 et seq., Comprehensive environmental response, compensation, and liability act;

(y) Steel slag that is a primary product of production in the electric arc steel-making process, produced to specification, managed as an item of commercial value, and placed in commerce for general public consumption, if the steel slag material is not abandoned, discarded, or placed in the solid waste stream;

(z) Organic materials, as defined in WAC 173-350-100, used for animal feed or to create animal feed;

(aa) Management of routine livestock mortalities when managed in compliance with subsections (1), (4), (6), or (8) of WAC 16-25-025, Disposal of dead livestock; and

(bb) Management of routine non-livestock animal mortalities by burial, incineration in a unit with a design capacity of less than

twelve tons per day, natural decomposition, or rendering, when managed in compliance with WAC 246-203-121, General sanitation.

[Statutory Authority: RCW 70.95.020(3), 70.95.060(1), 70.95.260(6), 70.95.305, 70.95.330. WSR 13-08-016 (Order 10-06), § 173-350-020, filed 3/25/13, effective 4/25/13. Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-020, filed 1/10/03, effective 2/10/03.]

WAC 173-350-021 Determination of solid waste

(1) Determination of solid waste - Applicability. This section must be applied when determining whether a material is a solid waste as defined in WAC 173-350-100. Some waste materials already have criteria for use, or standards to no longer be considered solid waste, in other sections of this rule. This section may not be applied to the following materials regulated under other sections of this chapter:

(a) Composted materials regulated under WAC 173-350-220;

(b) Impacted soil and impacted sediment as defined in WAC 173-350-100; and

(c) Digestate regulated under WAC 173-350-250.

(2) A material is a solid waste if it meets any of the criteria

in (a) through (g) below:

(a) The material has been discarded, abandoned, or disposed of;

(b) The material has been permanently placed in or on land for the purpose of disposal;

(c) The material is a byproduct generated from the manufacturing or processing of a product, and is placed on the land for beneficial use;

(d) The material has been collected through residential or commercial solid waste or recyclable material collection;

(e) The material has been received at a solid waste handling facility;

(f) The generator has paid for or will need to pay for removal or processing of the material for solid waste recycling, storage, incineration, or landfilling; or

(g) The material has been stockpiled for recycling, reuse, or for use after recycling, but no market is available and stockpiles violate the performance standards of WAC 173-350-040.

(3) A material is no longer a solid waste if it meets all of the criteria in (a) through (f) below:

(a) The material is no longer discarded or abandoned;

(b) The material is separated from solid wastes;

(c) The material has been recycled, or is ready for reuse, as defined in WAC 173-350-100;

(d) The material has positive market value, as indicated by established markets for the material. Paying a person to remove or process the material for recycling, disposal, or incineration is not positive market value, nor is paying a discounted amount for removal or processing;

(e) The material is stored and managed to preserve its value, and is stored in a manner that presents little or no risk to human health or the environment; and

(f) The material does not contain harmful chemical, physical, biological, or radiological substances that will pose a threat to human health or the environment for its intended or likely manner of use.

(4) If a material does not meet all of the criteria of subsection (3) of this section, the person in possession of the material is considered to be handling solid waste and is required to obtain a permit from the jurisdictional health department, or meet the require-

ments of a conditional permit exemption under the applicable section(s) of this chapter, or manage the material in accordance with the provisions of section 200, Beneficial use permit exemptions. In an action to enforce the requirements of this chapter, the generator or person in possession of the material must demonstrate that the material is no longer a solid waste.

(5) Nothing in this chapter shall impact the rights of a commercial recycler, non-profit, or commercial generator under RCW 70.95.903, RCW 81.77.104, RCW 36.58.160, and RCW 35.21.158.

WAC 173-350-025 Owner responsibilities for solid waste. The owner, operator, or occupant of any premise, business establishment, or industry ~~shall~~must be responsible for the satisfactory and legal arrangement for the solid waste handling of all solid waste generated or accumulated by them on the property.

[Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-025, filed 1/10/03, effective 2/10/03.]

WAC 173-350-030 Effective dates.

(1) **Effective dates** - Facilities with new solid waste handling units. These standards in this chapter apply to a facility with new solid waste handling units, ~~all facilities, except existing facilities,~~ when updated or new sections in this chapter become effective.

(2) **Effective dates - Existing facilities** with a solid waste handling permit.

(a) The owner or operator of an existing facility~~ies,~~ must:

(i) Meet all applicable operating, environmental monitoring, closure and post-closure planning, and financial assurance requirements ~~of this chapter by June 30, 2014~~ within eighteen months of the effective date associated with each solid waste handling unit at a facility; and

(ii) Meet all applicable performance and design requirements, other than location or setback requirements, ~~by December 31, 2014~~ within twenty-four months of the effective date associated with each solid waste handling unit at a facility.

~~(b) These standards apply to all new solid waste handling units at existing facilities upon the effective date of this chapter.~~

~~(c) If, as determined by the jurisdictional health department, significant changes to the operation, design, capacity, performance,~~

~~or monitoring of~~ a facility are needed to meet updated or new sections of this chapter, the owner or operator of existing facilities must ~~in-~~
~~itiate the~~ submit a request for permit modification process as out-
lined in WAC 173-350-710 within twelve months of the effective date
associated with each solid waste handling unit at a facility. The re-
quest must demonstrate that an owner or operator will meet updated or
new sections by applicable effective dates.~~(4) by December 31, 2013.~~
~~If a permit modification is necessary, every application for a permit~~
~~modification must describe the date and methods for altering an exist-~~
~~ing facility to meet (a)(i) and (ii) of this subsection.~~

~~(d) The jurisdictional health department must determine if a new~~
~~permit application is required based on the extent of the changes~~
~~needed to bring the facility into compliance.~~

~~(ce) All facilities~~ An owner or operator of an existing facility
that cannot meet the requirements in updated or new sections of this
chapter associated with solid waste handling units at the facility
must close those units in compliance with applicable requirements of
this chapter.

(3) Effective dates - Existing facilities meeting terms and conditions for permit exemption, or existing facilities previously not regulated under this chapter.

(a) The owner or operator of an existing facility must:

(i) For facilities eligible for permit exemption, meet any revised or new terms and conditions for a permit exemption within twelve months of the effective date associated with each solid waste handling unit at a facility; and

(ii) For facilities that must obtain a permit to meet requirements in updated or new sections of this chapter, submit a complete permit application as outlined in WAC 173-350-710 within twelve months of the effective date associated with each solid waste handling unit at a facility.

(b) An owner or operator of an existing facility that cannot meet the requirements in updated or new sections of this chapter associated with solid waste handling units at the facility by their effective dates must close those units in compliance with applicable requirements of this chapter.

(4) Effective dates - Management of impacted soil and impacted sediment under this chapter. A person managing impacted soil or im-

Impacted sediment under WAC 173-350-995 must meet all criteria in that section within twelve months of the effective date of that section. Impacted soil and impacted sediment not managed in accordance with the criteria under WAC 173-350-995 is subject to regulation as a solid waste handling activity subject to other sections of this chapter.

[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), § 173-350-030, filed 3/25/13, effective 4/25/13. Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-030, filed 1/10/03, effective 2/10/03.]

WAC 173-350-040 Performance standards. The owner or operator of ~~all~~any solid waste ~~facilities~~facility subject to this chapter ~~shall~~must:

(1) Design, construct, operate, ~~and~~close, and provide post-closure care as applicable, at any solid waste facility~~all facilities~~ in a manner that does not pose a threat to human health or the environment; ~~(2) Comply with chapter 90.48 RCW, Water pollution control and implementing regulations, including chapter 173-200 WAC, Water quality standards for groundwaters of the state of Washington;~~

(~~3~~2) ~~Conform to~~ Not be in conflict with the approved local comprehensive solid waste management plan prepared in accordance with chapter 70.95 RCW, Solid waste management—Reduction and recycling, and/or the local hazardous waste management plan prepared in accordance with chapter 70.105 RCW, Hazardous waste management; ~~(4) Not cause any violation of emission standards or ambient air quality standards at the property boundary of any facility and comply with chapter 70.94 RCW, Washington Clean Air Act;~~ and

(~~5~~3) Comply with all other applicable local, state, and federal laws and regulations.

[Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-040, filed 1/10/03, effective 2/10/03.]

WAC 173-350-100 Definitions. When used in this chapter, the following terms have the meanings given below.

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

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

"Agricultural composting" means composting of agricultural waste as an integral component of a system designed to improve soil health and recycle agricultural wastes. Agricultural composting is conducted on lands used for farming.

"Agricultural wastes" means wastes ~~en~~ from farms resulting from the raising or growing of plants and animals including, but not limited to, crop residue, livestock manure ~~from herbivores and nonherbivores~~, animal bedding, and carcasses of dead animals.

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

"Air quality standard" means a standard set for maximum allowable contamination in ambient air as ~~set forth~~ authorized in chapter 70.94

RCW, Washington clean air act ~~173-400 WAC, General regulations for air pollution sources.~~

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

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

"Asphaltic materials" means material produced from a mixture of petroleum asphalt and mineral aggregate and used for the construction of roads, sidewalks and similar purposes. For the purposes of solid waste handling in inert waste landfills under this chapter, roofing materials containing asphalt are not considered to be asphaltic materials.

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

"Beneficial use" means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or

commercial products, in a manner that does not pose a threat to human health or the environment. Use of solid waste as fill, or ~~A~~avoidance of processing or disposal cost alone, does not constitute beneficial use.

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

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

"Buffer" means a permanently vegetated strip adjacent to a land application area, the purpose of which is to filter runoff or overspray from the application area and protect an adjacent area.

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

"Byproduct" means a material that is not one of the primary products of a manufacturing production process. A byproduct is not produced for the general public's use.

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

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

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

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

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

~~"Clean soils and clean dredged material" means soils and dredged material which are not dangerous wastes, contaminated soils, or contaminated dredged material as defined in this section.~~

"Clean soil and clean sediment" means soil and/or sediment moved or to be moved from one location to another that a person, through due diligence, determines:

(a) Does not contain contaminants from a release, and as such the soil and sediment screening levels in WAC 173-350-995 Table 995-C and other sections of this chapter do not apply to management of material;
or

(b) Contains one or more contaminants from a release, and results of testing done in accordance with WAC 173-350-995 show concentrations of contaminants are at or below unrestricted soil and sediment screening levels in WAC 173-350-995 Table 995-C.

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

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

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

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

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

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

"Conditionally exempt small quantity generator (CESQG)" means a dangerous waste generator whose dangerous wastes are conditionally not subject to exempt from regulation under chapter 70.105 RCW, Hazardous waste management, solely because the waste is generated or accumulated in quantities below the threshold for regulation and meets the conditions prescribed in WAC 173-303-070 (8)(b).

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

"Container" means a portable device used for the collection, storage, and/or transportation of solid waste, including but not limited to, reusable containers, disposable containers, and detachable containers.

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

"Contaminate" means the release of solid waste, leachate, or gases emitted by solid waste, ~~such~~ so that contaminants enter the environment at concentrations that pose a threat to human health or the

environment, or cause a violation of any applicable environmental regulation.

~~"Contaminated dredged material" means dredged material resulting from the dredging of surface waters of the state where contaminants are present in the dredged material at concentrations not suitable for open water disposal and the dredged material is not dangerous waste and is not regulated by section 404 of the Federal Clean Water Act (P.L. 95-217).~~

"Contaminated soils and contaminated sediment" means "impacted soil and impacted sediment" as defined in this chapter. ~~soils removed during the cleanup of a hazardous waste site, or a dangerous waste facility closure, corrective actions or other clean up activities and which contain harmful substances but are not designated dangerous wastes.~~

"Controlled conditions" means the conditions in which facilities must be operated to meet the performance standards of WAC 173-350-040 and the applicable handling standards of this chapter. ~~Controlled conditions at compost facilities~~ These may include, but are not limited to, controlling odors, run-on and runoff, moisture levels, pH levels,

carbon to nitrogen ratios, temperatures, oxygen levels, particle sizes, and free air space.

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

"Crop residues" means vegetative material from farms left over from ~~the~~ harvesting ~~of~~ crops, including left over pieces or whole fruits or vegetables, crop leaves and stems, and unprocessed produce from storage facilities. Crop residue does not include food processing waste.

"Cured concrete" means concrete which has been produced from design mixtures specified to produce a 28-day unconfined compressive strength of no less than 1200 pounds per square inch, formed into structural elements, and allowed to harden. Off-specification concrete which does not achieve this minimum strength value may be evaluated for consideration as a cured concrete by the solid waste permitting agency on a case-by-case basis. Cured concrete may also contain embedded steel, wood, or plastic materials used in the reinforcement or tensioning of concrete structural elements. For the purposes of solid

waste handling in inert waste landfills under this chapter, other cementitious materials are not considered to be cured concrete.

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

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

"Department" means the Washington state department of ecology.

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

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

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

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

"Domestic septage" means Class I, II or III domestic septage as defined in chapter 173-308 WAC, Biosolids management.

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

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

"Due diligence" means making a good faith effort using investigative techniques to determine whether there may have been a release on a property. Investigative techniques may include use of one or more of the following, as warranted by circumstances: review of property own-

ership and use history; visual inspections of property and adjoining properties; review of government records; searches for recorded environmental title encumbrances; information from past and present owners, operators, occupants, or neighbors; commonly known or reasonably ascertainable information about a property; obviousness of the presence or likely presence of contaminants from a release; environmental questionnaires; analytical testing results; or environmental assessments or audits.

"Ecologically-sensitive properties" means lands that meet one or more of the following descriptions:

(a) Properties are used by a threatened or endangered species, a wildlife species classified by the Washington state department of fish and wildlife as a "priority species" or "species of concern" under Title 77 RCW, Fish and wildlife, or a plant species classified by the Washington department of natural resources natural heritage program as "endangered," "threatened," or "sensitive" under Title 79 RCW, Public lands. For animals, "used" means that individuals of a species have been observed to live, feed, or breed at the property. For plants, "used" means that a plant species grows on the property or has been found to grow on the property;

(b) Properties are located on or adjacent to an area where management or land use plans will maintain or restore native or semi-native vegetation. This includes, but is not limited to, green belts, protected wetlands, forestlands, locally designated environmentally sensitive areas, shoreline master programs, open space areas managed for wildlife, and some parks or outdoor recreation areas. This does not include park areas used for intensive sport activities; and

(c) Properties contain at least ten acres of native vegetation within five hundred feet of where materials will be placed, not including vegetation beyond the property boundary.

"Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste. The recovery of energy may include~~the recovery of energy in a useable form from~~ mass burning or refuse-derived fuel incineration, or other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit).

"Engineered soil" means soil that has become impacted soil solely from the addition of man-made materials used to adjust soil engineering properties for construction projects, such as to alter shear

strength or hydraulic conductivity of soil. Engineered soil includes, but is not limited to, soil with cementitious materials.

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

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

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

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

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

"Food processing waste" means a source-separated organic material that is generated by a food processing facility licensed to process food by the United States Department of Agriculture, the United States Food and Drug Administration, the Washington state department of agriculture, or other applicable regulatory agency. Food processing wastes may include, but are not limited to, sludge from food processing water treatment plants, culls, DAF (dissolved air flotation) from a food processing facility, ~~+~~ pomace, and paunch manure, not intended for animal or human consumption.

"Garbage" means putrescible solid wastes.

"Glass" means typical window glass, glass containers, glass fiber, glasses resistant to thermal shock, and glass ceramics. For the purposes of solid waste handling in inert waste landfills under this chapter, glass-like materials containing significant concentrations of lead, mercury, or other toxic substances, or non-de minimis concentrations of foreign matter, are not considered to be glass.

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

"Groundwater-sensitive properties" means lands where ~~2,000~~two thousand cubic yards or more of impacted soil or impacted sediment will be placed over groundwater that is a drinking water source and where leaching of contaminants into groundwater is reasonably anticipated. Potential for leaching into groundwater is determined by consideration of factors such as but not limited to depth to groundwater, subsurface geology, climate, manner in which materials will be placed (e.g. ground surface application of a thin layer vs. larger amounts placed at depth), or barriers that would prevent leaching such as impervious surfaces over the soil or sediment.

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

"Home composting" means composting of on-site generated wastes, and incidental materials beneficial to the composting process, by the owner or person in control of a single-family residence, or for a

dwelling that houses two to five families, such as a duplex or clustered dwellings.

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

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

"Impacted soil and impacted sediment" means soil or sediment moved or to be moved from one location to another for placement on or into the ground that a person, through due diligence, determines contains one or more contaminants from a release at concentrations above

unrestricted soil and sediment screening levels in WAC 173-350-995 Table 995-C, but that is not dangerous waste. Examples of impacted soil and impacted sediment may include, but are not limited to, street waste, petroleum contaminated soil, sediment from surface waters containing contaminants from a release, engineered soils, and soils likely to have contaminants from industrial or historical activities. Management of impacted soil and impacted sediment consistent with the criteria in WAC 173-350-995 is not subject to regulation as solid waste handling.

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

"Incompatible waste" means a waste that is unsuitable for mixing with another waste or material because the mixture might produce excessive heat or pressure, fire or explosion, violent reaction, toxic dust, fumes, mists, or gases, or flammable fumes or gases.

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

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

~~"Inert waste" means solid wastes that meet the criteria for inert waste in WAC 173-350-990.~~

~~"Inert waste landfill" means a landfill that receives only inert wastes.~~
[HW(1)]

~~"Intermediate solid waste handling facility" means any intermediate use or processing site engaged in solid waste handling which is not the final site of disposal. This includes material recovery facilities, transfer stations, drop boxes, baling and compaction sites.~~

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

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

"Land application site" means ~~a contiguous area~~ an area or areas of land under the same ownership or operational control on which solid wastes are beneficially ~~utilized for their agronomic or soil amending~~

~~capability~~ used through application at an agronomic rate, as a soil amendment, or for land reclamation.

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

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

"Law enforcement agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020(1).

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

"Limited access properties" means land that has limited human access and limited ecological value due to activities that take place on the property or physical barriers. Examples include, but are not limited to, lands where use is limited to adult employees of businesses or government projects and activities that take place on such land

would deter wildlife, lands along highways and freeways, and commercial properties largely covered with pavement or buildings. Limited access properties do not include lands where use is not comparable to that described above, and do not include lands used for farming, residential housing, recreation, or parks.

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

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

"Limited purpose landfill" means a landfill ~~which~~ that is not an inert waste landfill ~~regulated or permitted by other state or federal environmental regulations that to~~ and receives ~~s~~ only solid wastes designated as non-hazardous and are not municipal solid wastes ~~limited by type or source~~. Limited purpose landfills include, but are not limited to, landfills that receive segregated industrial solid waste, construction, demolition and land clearing debris, wood waste, ash (other than special incinerator ash), and dredged material. Limited purpose landfills do not include inert waste landfills, municipal solid waste

landfills regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills, landfills disposing of special incinerator ash regulated under chapter 173-306 WAC, Special incinerator ash management standards, landfills regulated under chapter 173-303 WAC, Dangerous waste regulations, or chemical waste landfills used for the disposal of polychlorinated biphenyls (PCBs) regulated under Title 40 C.F.R. Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.

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

"Liquid waste" means any solid waste ~~which is~~ deemed to contain free liquids as determined by the Paint Filter Liquids Test, Method 9095, in *"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"* EPA Publication SW-846.

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

earth materials, soil or regolith lying at or near the earth's surface.

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

"Lower explosive limits" means the minimum concentration of vapor in air below which propagation of a flame does not occur in the presence of an ignition source.~~lowest percentage by volume of a mixture of explosive gases that will propagate a flame in air at twenty-five degrees centigrade and atmospheric pressure.~~

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

"Manufactured topsoil" means soil or sediment mixed with materials that improve the quality of the soil or sediment for establishing vegetation and/or to control infiltration for water quality protection purposes. If used as fill, material is not manufactured topsoil. Manufactured topsoil containing impacted soil, impacted sediment, or ~~other~~ solid waste not otherwise excluded from this chapter is subject to management under this chapter.

"Manure and bedding" means manure (feces) and bedding from ~~herbivorous animals such as~~ livestock including, but not limited to, horses, cows, chickens, sheep, and goats.

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

"Mobile systems and collection events" means activities conducted at a temporary location to collect moderate risk waste.

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

"MRW facility" means a solid waste handling unit that is used to collect, treat, recycle, exchange, store, consolidate, and/or transfer

moderate risk waste. This does not include mobile systems and collection events, ~~or~~ limited MRW facilities, product take-back centers, or law enforcement agencies that meet the applicable terms and conditions of WAC 173-350-360 (2) ~~or (3)~~.

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

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

■ (b) Any solid waste, including contaminated soil and debris, resulting from response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601), chapter 70.105D RCW, Hazardous waste clean-

up-Model Toxics Control Act, chapter 173-340 WAC, ~~the Model Toxics~~
~~toxics Control-control Act-act-Cleanup, regulation~~ or a remedial ac-
tion taken under those statutes and rules; nor

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

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

"New solid waste handling unit" means a solid waste handling unit
that begins operation or ~~facility~~-construction after effective dates
in this chapter associated with each solid waste handling unit, and an
existing solid waste handling unit that begins significant modifica-
tions ~~to existing solid waste handling units,~~ after ~~the~~-effective

dates ~~in~~^{of} this chapter associated with each solid waste handling unit.

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

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

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

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

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

"Organic feedstocks" means source separated organic materials including bulking agents suitable for vermicomposting, composting, an-

aerobic digestion, and other processes that transform organic materials into usable or marketable materials.

"Organic materials" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation. Organic materials include, but are not limited to, manure, yard debris, food waste, food processing wastes, wood waste, and garden wastes.

"Other conversion technologies" means processes that transform organic feedstocks into useable or marketable materials, but does not include composting, vermicomposting, or anaerobic digestion.

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

~~**"Permeability"** means the ease with which a porous material allows liquid or gaseous fluids to flow through it. For water, this is usually expressed in units of centimeters per second and termed hydraulic conductivity.~~

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

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

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

"Physical contaminants" as they relate to incoming feedstocks and compost quality means inorganic and organic constituents that are not readily decomposed during the composting process including, but not limited to, plastics, glass, textiles, rubber, leather, metal, ceramics, polystyrene, and wood pieces containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

"Pile" means the storage or treatment of any noncontainerized accumulation of solid waste ~~that is used for treatment or storage.~~

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

"Point of compliance" means a point established in the groundwater ~~by the jurisdictional health department~~ as near a possible source of release as technically, hydrogeologically and geographically feasible. During site characterization and construction, this is typically considered to be at the downgradient edge of a landfill unit or surface impoundment.

"Post-closure care" means those actions taken by an owner or operator of a limited purpose landfill after closure~~the requirements placed upon disposal facilities after closure to ensure their environmental safety for at least a twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production, or leachate generation).~~

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

"Post-consumer food waste" means source separated organic materials originally intended for human consumption including, but not lim-

ited to, vegetables, fruits, grains, meats and dairy products resulting from serving food. Post-consumer food waste is typically collected from cafeterias, homes, and restaurants.

"Practical quantitation limit" or "PQL" means the lowest concentration that can be reliably measured within specified limits of precision, accuracy, representativeness, completeness, and comparability during routine laboratory operating conditions, using department-approved methods.

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

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

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

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

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

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

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

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

~~"Pyrolysis" means the process in which solid wastes are heated in an enclosed device in the absence of oxygen to vaporization, producing a hydrocarbon rich gas capable of being burned for recovery of energy.~~

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

"Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. Recycling includes processing waste materials to produce tangible commodities. Recycling does not include crushing, shredding, compacting, sorting, baling, or repackaging when those activities are part of collection, intermediate processing, or preparation for the purpose of transport. ~~Recycling does not include collection, compacting, repackaging, and sorting for the purpose of transport.~~

"Release" means any intentional or unintentional entry of a contaminant into the environment at more than de minimis amounts and includes, but is not limited to, spilling, leaking, pouring, emitting,

emptying, discharging, adding, applying, amending, injecting, pumping, escaping, leaching, dumping, or disposing of any contaminant.

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

"Representative sampling" means collection of a sample or samples that can be expected to exhibit the average properties of the sample source. Examples of representative sampling are described in references including, but not limited to, SW-846, *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*; ASTM D6044-96(2009), *Standard Guide for Representative Sampling for Management of Waste and Contaminated Media*; and EPA530-D-02-002 (August 2002), *RCRA Waste Sampling Draft Technical Guidance*.

~~_"Reserved" means a section having no requirements and which is set aside for future possible rule making as a note to the regulated community.~~

"Residential, agricultural, high frequency contact properties" means lands used for residential housing, farming, recreation, parks, schools, or lands where human contact can be reasonably expected.

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

"Reuse" means using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical form of the object or material. Reuse is not a solid waste handling activity, but separating materials from other solid wastes for reuse is a solid waste handling activity. Use of solid waste as fill or alternative daily cover is not reuse.

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

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

"Scavenging" means the removal of materials at a ~~disposal~~ facility, ~~or intermediate solid waste handling facility,~~ without the approval of the owner or operator and the jurisdictional health department.

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

"Seismic impact zone" means an area with a ten percent or greater probability that the maximum horizontal acceleration in lithified

earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in two hundred fifty years.

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

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

"Soil" means material overlying bedrock consisting primarily of clay, silt, sand, gravel size particles, and soil biota, that may contain de minimis amounts of other materials. Soil does not include sediment.

"Soil amendment" means any substance that is intended to improve the physical characteristics of soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing

wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW, Municipal sewage sludge-Biosolids, and wastewater, as regulated in chapter 90.48 RCW, Water pollution control.

"Solid waste," **"waste materials,"** or **"wastes"** means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, ~~contaminated soils and contaminated dredged material~~ impacted soil and impacted sediment that is not managed consistent with the criteria in WAC 173-350-995, and recyclable materials. See WAC 173-350-021 to determine if a material is solid waste.

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

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

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

"Specified risk material" means the skull, brain, trigeminal ganglia (nerves attached to brain and close to the skull exterior), eyes, spinal cord, distal ileum (a part of the small intestine), and the dorsal root ganglia (nerves attached to the spinal cord and close to the vertebral column) of cattle aged thirty months or older.

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

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

"Surface impoundment" means a facility or part of a facility formed primarily of earthen material to provide structural support, ~~which~~ that is a natural topographic depression, man-made excavation, or diked area ~~formed primarily of earthen materials (although it may~~

~~be lined with man-made materials), and which is~~ designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

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

"Tank" means a stationary device designed to contain an accumulation of liquid, or of semisolid materials meeting the definition of solid waste or leachate, and which is constructed primarily of non-earthen materials to provide structural support.

"Throughput" means the amount of incoming ~~feedstocks materials~~ in tons or cubic yards that a solid waste facility processes in a given amount of time, such as a calendar year. Throughput is identified by the conditions of exemption, the permit, or the plan of operations as approved by the jurisdictional health department or the department.

"Transfer station" means a ~~permanent, fixed, supplemental collection and transportation~~ facility that receives solid waste from off-site from , ~~used by~~ persons and route collection vehicles for consoli-

ation into ~~to deposit collected solid waste from off-site into a~~
larger transfer vehicles or containers for transport to a solid waste
handling facility.

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

"Twenty-five-year storm" means a storm of twenty-four hours dura-
tion and of ~~such~~ intensity that it has a four percent probability of
being equaled or exceeded each year.

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

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

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

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

"Vermicomposting" means the controlled and managed process by which live worms convert organic residues into dark, fertile, granular excrement.

"Waste tires" means any tires that are no longer suitable for their original intended purpose because of wear, damage or defect. Used tires, which were originally intended for use on public highways that are considered unsafe in accordance with RCW 46.37.425, are waste tires. Waste tires also include quantities of used tires that may be suitable for their original intended purpose when mixed with tires considered unsafe per RCW 46.37.425.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vege-

tation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

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

"Wood waste" means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, construction, demolition, handling and storage of raw materials, trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hogged fuel, and log sort yard waste, but does not include wood pieces or particles containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

"Yard debris" means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping or similar activities. Yard debris includes, but is not

limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

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

[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), § 173-350-100, filed 3/25/13, effective 4/25/13. Statutory Authority: Chapter 70.95 RCW. WSR 05-11-033 (Order 04-12), § 173-350-100, filed 5/10/05, effective 6/10/05; WSR 03-03-043 (Order 99-24), § 173-350-100, filed 1/10/03, effective 2/10/03.]

WAC 173-350-200 Beneficial use permit exemptions.

(1) **Beneficial use permit exemptions - Applicability.**

~~(a) Any person may apply to the department for exemption from the permitting requirements of this chapter for beneficial use of solid waste. Applications for permit exemptions shall be prepared and submitted in accordance with the requirements of subsections (3) and (4) of this section. Upon the department's approval of an application for permit exemption, all approved beneficial use of~~

~~solid waste shall be conducted in accordance with the terms and conditions for approval, as well as those general terms and conditions prescribed in subsection (2) of this section.~~ This section applies to the beneficial use of solid waste in a manner approved by the department when the department has approved a beneficial use permit exemption application.

(b) This section does not apply to:

(i) Solid waste handling facilities or facilities operating under a conditional exemption authorized by RCW 70.95.305;

(ii) Materials used as alternative daily cover at landfills, which requires approval as part of the solid waste permitting process or subsequent allowance by the jurisdictional health department; and

(iii) Use of a solid waste as a component of fill unless a demonstration shows that the material meets specific engineering needs and specifications other than occupying space. Any proposal made under this section to use solid waste as a component of fill must be certified by an individual licensed to practice engineering in the state of Washington, in an engineering discipline appropriate for the proposed activity.

(2) Beneficial use permit exemptions - Application procedures.

(a) Applications for permit exemptions must be prepared and submitted on forms prescribed by the department and in accordance with the requirements of this subsection. Any person(s) applying for a beneficial use permit exemption must demonstrate to the satisfaction of the department that the proposed use of the specific solid waste does not present a threat to human health or the environment. The application must at a minimum contain the following:

(i) The name(s), address(es), and phone number(s) of the waste generator(s);

(ii) The name(s), address(es), and phone number(s) of the applicant;

(iii) The uniform business identifier number for the waste generator and any third-party handler of the waste material;

(iv) A detailed description of the solid waste, including ingredients used in making the original product from which the solid waste is derived, and the proposed beneficial use;

(v) Evidence that the material will perform as claimed;

(vi) A description of how the waste will be transported or distributed for the proposed beneficial use;

(vii) A description of other materials that contribute or potentially contribute contaminants/pollutants to the waste to be beneficially used;

(viii) A schematic and text summary of the waste generators' operations, including all points where wastes are generated, treated or stored;

(ix) A description of how terms and conditions of subsection (3)(a) of this section will be met;

(x) A State Environmental Policy Act checklist under chapter 197-11 WAC, SEPA rules;

(xi) Appropriate signatures as described in WAC 173-350-715(3);

(xii) If the beneficial use is proposed as a soil amendment, or for other solid wastes beneficially applied to the land, a description of how the terms and conditions of (3)(b) of this section will be met;

and

(xiii) Any additional information deemed necessary by the department.

(b) Once the department determines that the application is complete, the department will notify the applicant and initiate the public review process outlined in subsection (5) below.

(c) Once the public review process outlined in subsection (5) has begun, any changes to the application or submittal of additional information by the applicant will result in a withdrawal of the completeness determination by the department and termination of the public review process. The department will resume review of the amended application in accordance with the procedures of subsection (5) of this section.

(d) After completion of the comment period, the department will review comments, technical information from agency and other publications, standards published in regulations, and other information deemed relevant by the department to render a decision.

(e) Every complete application will be approved or disapproved by the department in writing within ninety days after receipt. Exemptions will be granted by the department only to those beneficial uses of solid waste that the department determines do not present a threat to human health or the environment.

(f) Upon approval of the application by the department, the beneficial use of the solid waste by the original applicant is exempt from solid waste permitting for use anywhere in the state consistent with the terms and conditions of the approval.

(23) Beneficial use permit exemptions - General terms and conditions.

(a) The following general terms and conditions apply to all permit exempt beneficial uses of solid waste approved by the department. All persons beneficially using solid waste approved for permit exemption in accordance with this section ~~shall~~must:

(i) Conduct the beneficial use in a manner that does not present a threat to human health or the environment;

(ii) Ensure that the material is not a dangerous waste regulated under chapter 173-303 WAC, Dangerous waste regulations;

(iii) Not dilute a waste, or the residual from treatment of a waste in order to lessen contaminant concentrations inherent in the waste as a substitute for treatment or disposal;

(iv) Meet the performance standards of WAC 173-350-040; ~~Comply with all applicable federal, state, and local rules, regulations, requirements and codes, and local land use requirements;~~

(v) Immediately notify the department and the jurisdictional health department of any accidental release(s) of contaminants to the environment;

(vi) Separate wastes intended for beneficial use from other wastes that are ~~destined~~intended for disposal or other destination, prior to entering the location where the beneficial use will occur;

(vii) Manage the waste in a manner that controls vector attraction;

(viii) Ensure that solid waste being stored prior to being beneficially used is managed in accordance with the requirements of all applicable sections of this chapter unless alternative intermediate storage is approved by the department during the beneficial use exemption application review process;

(ix) Allow the department or the jurisdictional health department, at any reasonable time, to inspect the location where a permit exempt solid waste is stored or used to ensure compliance with applicable terms and conditions of this section; and

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

(A) The permit exemption number applicable to the beneficial use activity;

(B) The name, address, and telephone number of the exemption holder;

(C) The amount of solid waste beneficially used;

(D) A certification that the nature of the waste and the operating practices have been in compliance with the terms and conditions of this section and the approved beneficial use permit exemption during the previous calendar year; and

(E) Any additional information ~~that may be specified~~required by the department ~~under the beneficial use permit exemption~~as a condition of the beneficial use determination.

(b) In addition to the general terms and conditions established in (a) of this subsection, solid wastes applied to the land for agronomic value or soil amending capability under a beneficial use permit exemption ~~shall~~must:

(i) Provide an analysis of concentrations of the following pollutants reported on a dry weight basis:

(A) Total arsenic;

(B) Total barium;

(C) Total cadmium;

(D) Total chromium;

(E) Total cobalt;

(F) Total copper;

(G) Total lead;

(H) Total mercury;

(I) Total molybdenum;

(J) Total nickel;

(K) Total selenium; and

(L) Total zinc.

(ii) Provide an analysis of nutrients at a minimum to include organic nitrogen, nitrate-nitrogen, ammonium-nitrogen, total phosphorus, and total potassium, reported on a dry weight basis;

(iii) Provide an analysis of physical/chemical parameters to include at a minimum: total solids, total volatile solids, pH, electrical conductivity, and total organic carbon;

(iv) Provide a discussion of any pathogens known or suspected to be associated with this material, including those that can cause disease in plants, animals, or humans;

(v) Provide additional analysis required by the department. The department may reduce the analytical requirements of this section;

(~~i~~vi) Meet the standards for metals ~~standards~~ established by the Washington state department of agriculture ~~(WSDA)~~ for registered commercial fertilizers ~~by following the procedures of~~ regulated under WAC 16-200-~~7062~~7061 through WAC 16-200-7064, Fertilizers;

(vii) ~~Be applied~~Apply at an application rate and in a manner that ensures protection of groundwater and surface water and does not exceed an application rate that would violate the Washington state department of agriculture standards for metals in fertilizer; and ~~At a minimum, the application rate shall take into account the concentration of available nutrients and micronutrients in the soil amendment, other solid waste applied to the land, residual nutrients at the application site(s), additional sources of nutrients, pollutant loading rates, soil and waste pH, soil type, crop type and vertical separation from groundwater~~

(viii) Not be stored at an application site during periods when precipitation, ~~or~~ wind, or other factors will cause migration from the storage area, unless the site is specifically designed to accommodate storage during these periods and storage is approved by the department

during the permit exemption application review process. The quantity stored at an application site ~~shall~~must not exceed the ~~maximum~~amount needed to meet the ~~annual~~seasonal needs of the site based on the approved application rate. When a soil amendment is stored at an application site it ~~shall~~must not contain free liquid waste unless the requirements of WAC 173-350-330 are met or an alternative storage method is approved by the department during the permit exemption application process.

(c) The department may require a person operating under any exemption issued under this section to meet additional or more stringent requirements for protection of human health and the environment, or to ensure compliance with other applicable regulations:

(i) At the time the department approves an application for a beneficial use permit exemption; or

(ii) When new information becomes available that warrants additional protections, but in the opinion of the department does not necessitate revocation of the beneficial use permit exemption.

(d) The department ~~shall~~will notify ~~in writing~~ the exempted party and all jurisdictional health departments of any additional or more stringent requirements.

~~(3) Beneficial use permit exemption - Initial application procedure. Any person(s) interested in obtaining a statewide exemption from solid waste permitting requirements for the beneficial use of a solid waste must demonstrate to the satisfaction of the department that the proposed use does not present a threat to human health and the environment. Applications shall be submitted to the department on a form supplied by the department. All application attachments and other submittals must be on paper no larger than 11 inch x 17 inch. The application shall at a minimum contain the following:~~

~~(a) The name(s), address(es) and phone number(s) of the waste generator(s);~~

~~(b) The name(s), address(es) and phone number(s) of the applicant. If the applicant is a broker or other third party the uniform business identifier number shall also be included;~~

~~(c) A list of all product(s) made by the waste generator(s);~~

~~(d) A list of all feedstocks used to manufacture the product(s);~~

~~(e) A description of the solid waste and the proposed beneficial use;~~

~~(f) A description of how the waste will be transported or distributed for the proposed beneficial use;~~

~~(g) A description of other materials that contribute or potentially contribute contaminants/pollutants to the waste to be beneficially used;~~

~~(h) A schematic and text summary of the waste generator(s) operations, including all points where wastes are generated, treated or stored;~~

~~(i) A description of how terms and conditions of subsection (2)(a) of this section will be met;~~

~~(j) A State Environmental Policy Act checklist;~~

~~(k) If the beneficial use is proposed as a soil amendment, or for other solid wastes beneficially applied to the land, a description of how the terms and conditions of subsection (2)(b) of this section will be met; and~~

~~(l) Any additional information deemed necessary by the department.~~

(4) **Beneficial use permit exemptions** - **Secondary application procedure.** Beneficial use permit exemptions, approved by the department in accordance with the procedures of subsection (5) of this section, are granted solely to the original applicant(s). Any person, other than the original applicant(s), interested in beneficially using solid

waste pursuant to the terms and conditions of an existing permit exemption ~~shall~~must apply to the department by following the procedures described in subsection (~~3~~2) of this section.

(5) **Beneficial use permit exemptions** - ~~Determination, revocation, and appeals~~Public review process.

(a) ~~The department shall review every application for completeness.~~ Once an application is determined to be complete, the department ~~shall~~will:

(i) Notify the applicant that the application has been determined to be complete;

(ii) ~~Forward a copy of~~ Notify all jurisdictional health departments, interested parties, representatives of the solid waste industry, and the Washington state department of agriculture that a proposal is under consideration and provide access to the complete application and supporting documentation ~~to all jurisdictional health departments~~ via the department's website for review and comment. ~~Within forty five calendar days, the jurisdictional health departments shall forward their comments and any other information that they deem relevant to the department.~~ Access to the proposal and supporting documentation will be available in hard copy or other format upon request;

~~(iii) The department shall develop and maintain a register of all complete applications it receives for beneficial use exemptions. The register shall include information regarding the proposed beneficial use and process for submitting comments. The department shall maintain a list of interested parties and forward the register to those parties. The department may provide the register and application information in an electronic form upon request by an interested party.~~ Post the complete proposal and supporting documentation on the agency's website for not less than 45 calendar days along with instructions for commenting on the proposal;

(iv) Within forty-five calendar days, any person or jurisdictional health department may comment on the application by forwarding comments and any other information deemed relevant, to the department;
and

(v) The Washington state department of agriculture's comments must be limited to addressing whether approving the application will result in the risk of spreading disease, plant pathogens, or pests to areas that are not under a quarantine, as defined in RCW 17.24.007.

~~(b) Once a determination is made by the department that an application is complete and the public review process has begun, any chang~~

~~es to the application or submittal of additional information by the applicant shall result in a withdrawal of the completeness determination by the department and termination of the public review process. The department shall resume review of the amended application in accordance with the procedures of (a) of this subsection.~~The department will develop and maintain a register of all complete applications it receives for beneficial use exemptions, and all approvals and denials. The register will include information regarding the proposed beneficial use and the waste being beneficially used.

(c) ~~After completion of the comment period, the department shall review comments, technical information from agency and other publications, standards published in regulations, and other information deemed relevant by the department to render a decision.~~The department will maintain a list of interested parties and solid waste industry contacts.

~~rmines do not present a threat to human health or the environment.~~

~~(e) Upon approval of the application by the department, the beneficial use of the solid waste by the original applicant is exempt from~~

~~solid waste handling permitting for use anywhere in the state consistent with the terms and conditions of the approval.~~

~~(f) The department may require a person operating under any exemption covered by this section to apply to the jurisdictional health department for a solid waste handling permit under the applicable section of this chapter if:~~

(6) Beneficial use permit exemptions - Revocations, enforcement, appeals.

(a) The department may require a person operating under any exemption covered by this section to apply to the jurisdictional health department for a solid waste handling permit under the applicable section of this chapter if:

(i) The exemption holder fails to comply with the terms and conditions of this section and the approval; or

(ii) The department determines that the exemption was obtained by misrepresenting or omitting any information that potentially could have affected the issuance or terms and conditions of an exemption; or

(iii) New information not previously considered or available as part of the application demonstrates to the department that management

of the waste under a beneficial use permit exemption may present a threat to human health or the environment.

(~~g~~b) The department ~~shall~~will provide written notification to the exempted party and all jurisdictional health departments of any requirement to apply for a permit under this chapter. A person that is required by the department to apply for permit coverage ~~shall~~must immediately cease beneficial use activities until all necessary solid waste handling permits are issued.

(~~h~~c) The terms and conditions of subsection (~~23~~)(a)(viii) of this section ~~shall~~ remain in effect until the solid waste handling permit process has been completed unless an administrative order issued under the authority of RCW 70.95.315 directs that use activities cease.

(~~i~~d) Any person that violates the terms and conditions of a beneficial use permit exemption issued under this section may be subject to the ~~civil penalty enforcement~~enforcement provisions of RCW 70.95.315.

(~~j~~e) Appeals of the department's decision to issue or deny or revoke a beneficial use permit exemption ~~shall~~must be made to the pollution control hearings board by filing with the hearings board a notice of appeal within thirty days of the decision of the department. The board's review of the decision ~~shall~~will be made in accordance

with chapter 43.21B RCW, Environmental and land use hearings office-
Pollution control hearings board, and any subsequent appeal of a deci-
sion of the board ~~shall~~ must be made in accordance with RCW
43.21B.180. Persons that may appeal are:

(i) For waste derived soil amendments any aggrieved party may ap-
peal; and

(ii) For all other beneficial uses of solid waste any jurisdic-
tional health department or the applicant may appeal.

~~(67)~~ Beneficial use permit exemptions - Solid waste exempt from
permitting by rule. Reserved.

Note: RCW 70.95.300 contains provisions that allow the department to exempt from permitting certain beneficial uses of solid waste by rule. The statute also requires the department to develop an application and approval process by which a person could apply for a beneficial use permit exemption. At this time the department has chosen to limit ~~rule-making~~ rulemaking to development of the required application and approval process, and hold a section in reserve for future development of a list of approved beneficial uses.

[Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24),
§ 173-350-200, filed 1/10/03, effective 2/10/03.]