



EXPEDITED RULE MAKING

CR-105 (July 2026) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: September 15, 2026

TIME: 8:13 AM

WSR 26-19-060

Agency: Department of Ecology AO #26-10

Title of rule and other identifying information: (describe subject) Chapter 173-310 WAC Litter Receptacles

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Ecology is proposing to align the litter receptacle rule with new statutory requirements for solid waste collection containers under RCW 70A.205.750. The law ([RCW 70A.205.750](#)) applies to containers provided by a waste hauler or a jurisdictional authority as part of a collection service. This includes public collection efforts as well as individual collection services for residents and businesses. Ecology's proposal includes aligning the minimum standards for litter receptacles under WAC 173-310-060 with requirements for solid waste collection containers under RCW 70A.205.750. The proposal also includes updates to the effective dates for compliance under WAC 173-310-100

Reasons supporting proposal: A new law requires standardized colors for waste collection bins starting in 2028. Ecology's rule for litter receptacles, chapter 173-310 WAC, has requirements for receptacles in public places that conflict with these new color standards. This expedited rulemaking is necessary to align the litter receptacle minimum standards under chapter 173-310 WAC with the statutory requirements for solid waste collection containers under chapter 70A.205.750 RCW. The proposed changes would modernize the minimum standards for litter receptacles while helping achieve the Legislature's vision for consistent-looking waste containers across Washington state.

Statutory authority for adoption: Chapter 70A.200.090 RCW Litter receptacles—Use of anti-litter symbol—Distribution—Placement—Violations—Penalties

Statute being implemented: RCW 70A.205.750 Collection bins – Color coding requirements

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

Name of proponent: (person or organization) Department of Ecology

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Patrick Merscher	Olympia, WA	564-233-1065
Implementation:	Patrick Merscher	Olympia, WA	564-233-1065
Enforcement:	Patrick Merscher	Olympia, WA	564-233-1065

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- ☐ Relates only to internal governmental operations that are not subject to violation by a person;
- ☒ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- ☒ Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- ☐ Content is explicitly and specifically dictated by statute;
- ☐ Substitutes "alien" with "noncitizen" and related grammatical changes not changing the effect of the rule;
- ☐ Has been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- ☐ Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- ☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- ☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- ☐ The rule is no longer necessary because of changed circumstances; or
- ☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): This rulemaking incorporates by reference new statutory requirements for solid waste container colors and does not make any material change from those statutory requirements. The proposed changes also include typographical corrections and minor clarifications to language that would not change the effect of the rule.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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BEGINNING (date/time) September 15, 2026 at 12 a.m.
p.m..

AND RECEIVED BY (date/time) November 24, 2026 at 11:59

Date: September 15, 2026

Name: Heather Bartlett

Title: Deputy Director

Signature:

