



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Department of Ecology AO# 13-08

Subject of possible rule making: Ecology is proposing to amend the Solid Waste Handling Standards - Chapter 173-350 WAC, except for Sections 220, 225, and 250. Those three sections address organic waste management, and were recently amended. The agency does not plan further revisions to them at this time.

In late 2010 then Governor Gregoire issued an executive order limiting rule development by state agencies. Ecology suspended rule making on this chapter except for amendments concerning the management of organic wastes. This rule making will pick up where the previous effort left off. Prior to the rule moratorium, through internal and external consultations, Ecology had identified aspects of the rule that needed to be addressed. Ecology will revisit issue papers and summaries developed following previous stakeholder work, and revive the effort for a comprehensive update. Issues previously identified as priorities include updating definitions, clarifying criteria for inert waste classification and when earthen material/soil is a solid waste, and streamlining recordkeeping and reporting requirements. In this general update Ecology will address other issues that may result in substantive changes, as well as clarifications and corrections to language in the chapter not expected to change the overall effect of the rule.

Statutes authorizing the agency to adopt rules on this subject: RCW 70.95.060, 70.95.215, 70.95.218, 70.95.255, 70.95.260(6), 70.95.300, 70.95.305, 70.95.310, 70.95.440 and 70.95.670.

Reasons why rules on this subject may be needed and what they might accomplish: Ecology has received feedback from regulated entities, staff, and other interested parties on areas of the rule that need to be updated or clarified. Based on this feedback Ecology determined that a comprehensive review and update of the Solid Waste Handling Standards is needed.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
See attachment A

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) Ecology will solicit and evaluate recommendations of ad hoc committees comprised of internal staff and stakeholder representatives, and will solicit feedback from stakeholders through both informal and formal public processes.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

- Kyle Dorsey, Rules & Policy Coordinator; Waste 2 Resources Program; PO Box 47600; Olympia, WA 98504-7600. 360-407-6559 or kyle.dorsey@ecy.wa.gov.
- Join our ListServ at: <http://listserv.wa.gov/cgi-bin/wa?SUBED1=ECY-SW-HANDLING-STANDARDS&A=1>
- Visit our web page at: <http://www.ecy.wa.gov/programs/swfa/rules/ruleDev.html>

DATE
November 4, 2013

NAME (TYPE OR PRINT)
Laurie G. Davies

SIGNATURE

TITLE
Waste 2 Resources, Program Manager

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
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DATE: November 05, 2013
TIME: 12:15 PM

WSR 13-22-073

Attachment A:

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

Local health authorities (LHA) adopt ordinances that meet or exceed state program requirements, and have the lead for implementing the requirements of state solid waste rules through local permitting processes. Solid waste management is largely a partnership between public agencies and the private sector. Operators are a mixture of public (mainly public works departments) and private (haulers, recyclers, disposers) interests. Ecology will involve these stakeholders by keeping them informed using various communications tools with a heavy emphasis on a ListServ established for this purpose. Ecology will also use e-mail, newspaper notices, notices to related trade journals, a web site with rule update information, publishing notice on the agency public events calendar, issuing notices through the WACTrack ListServ, and holding informal and formal stakeholder meetings and hearings. We will periodically brief the W2R Advisory Committee and statewide environmental health directors. Stakeholder groups (including LHAs) will be formed to address specific subject areas or sections of the rule as needed.