

## AMENDATORY SECTION

**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 or determined in WAC 173-350-021. 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:

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

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

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

(d) Land application of livestock manure and bedding, [worm castings](#), crop residue, and on-farm vegetative waste at agronomic rates;

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

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

(g) Clean soil and clean dredged material as defined in WAC 173-350-100;

(h) The following activities when regulated under section 404 or 401 of the Clean Water Act (33 U.S.C. Sec. 1344 or 1341) or section 10 of the Rivers and Harbors Act (33 U.S.C. Sec. 403):

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

(ii) Placement of dredged material, as defined in 40 C.F.R. Sec. 232.2, into surface water or onto land where there will be runoff or return water to surface water.

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

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

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

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

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

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

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

(i) PCB household waste; and

(ii) PCB bulk product wastes identified in 40 C.F.R. Part 761.62 (b) (1) that are disposed of in limited purpose landfills;

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

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

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

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

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

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

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

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

(x) Management of soil or dredged material within a contaminated site as part of a removal or remedial action under chapter 70.105D RCW, Hazardous waste cleanup—Model Toxics Control Act, chapter 90.48 RCW, Water pollution control, or 42 U.S.C. Sec. 9601 et seq., Comprehensive Environmental Response, Compensation, and Liability Act. However, the department may determine that the requirements of this chapter are relevant and appropriate to such a removal or remedial action under WAC 173-340-710;

(y) Contaminated soil, as defined in WAC 173-350-100, removed from the ground, not altered by additional contaminants, and placed or stored back at or near the location of generation within a project site. This exclusion is not meant to allow distant movement of materials within large or linearly long project sites to new locations that could potentially create new environmental impacts;

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

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

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

(cc) Management of routine nonlivestock animal mortalities by burial, incineration in a unit with a design capacity of less than twelve tons per day, natural decomposition, or rendering, when managed in compliance with WAC 246-203-121, general sanitation;

(dd) Materials used in research and development activities intended to evaluate, develop, or demonstrate potential new or improved beneficial use, reuse, or recycling methods or

technologies for solid wastes conducted by qualified persons in controlled laboratory, bench scale, or pilot study conditions at the facility at which the materials are generated, at another facility owned or operated by the generator, at an institution of higher education as defined in RCW 28B.10.016, at a higher education institution as defined in RCW 28B.07.020, or at a public or private laboratory or other facility contracted by the waste generator or institution to conduct such activities. These activities include the research and development operations, the separation, collection, transport, and transfer of such materials in support of those operations. Solid wastes handled in connection with such activities shall be reasonably limited to quantities needed to conduct the research and development project(s), and any excess or residual of such materials remaining after such activities and any solid waste generated by such activities shall be handled in accordance with this chapter or chapter 173-303 WAC, Dangerous waste regulations, as applicable; and

(ee) In accordance with RCW 70.95.207 an authorized collector of covered drugs regulated under chapter 69.48 RCW is

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

[Statutory Authority: Chapter 70.95 RCW, and RCW 70.95.060, 70.95.215, 70.95.218, 70.95.260(6), 70.95.300, 70.95.305, 70.95.310, 70.95.440. WSR 18-17-008 (Order 13-08), § 173-350-020, filed 8/1/18, effective 9/1/18. 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.]

#### **AMENDATORY SECTION**

**173-350-025 ~~Owner~~Entity responsibilities for solid waste.**

(1) The owner, operator, or occupant of any premise, business establishment, or industry is responsible for ~~the satisfactory and legal arrangement for the solid waste handling of all~~ safe and sanitary handling and storage of all solid waste generated or accumulated on

the property, and must arrange for the legal management of solid waste generated or accumulated by them on the property.

(2) The owner, operator, government agency, or any other entity that collects and transports solid waste is responsible for legal management of the waste by ensuring delivery only to solid waste handling facilities that have approval by oversight agencies to manage the waste types delivered and must adhere to any waste acceptance restrictions. The entity responsible for delivering a load rejected by a solid waste facility for failure to meet waste acceptance restrictions is responsible for the load, and the solid waste facility is not considered to have taken ownership of the load until it has been inspected, even if it was tipped at the facility in order to inspect.

~~(1)~~ (3) The owner, operator, government agency, or any other entity that provides a container with a volume of at least one cubic yard to collect recyclable

materials at sites of solid waste generation must clearly identify recyclable materials accepted that ensure the waste generator can easily understand what they can and cannot place in the container by providing a clear and conspicuous label on the container, providing clear and conspicuous signage, or other effective means, and must ensure there is a second container for waste destined for disposal. The container for waste destined for disposal must be located in close proximity to the container for recyclable materials and must be of adequate size to collect the volume of waste destined for disposal. Where there is no clear identification of acceptable recyclable materials or no second container for waste destined for disposal, the waste is municipal solid waste and not recyclable material and must be managed at a facility permitted to manage municipal solid waste.

**[Statutory Authority: Chapter 70.95 RCW, and**

**RCW 70.95.060, 70.95.215, 70.95.218, 70.95.260 (6), 70.95.300, 70**

.95.305, 70.95.310, 70.95.440. WSR 18-17-008 (Order 13-08), §  
173-350-025, filed 8/1/18, effective 9/1/18. Statutory  
Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), §  
173-350-025, filed 1/10/03, effective 2/10/03.]

AMENDATORY SECTION

**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.

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

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

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

**"Agricultural wastes"** means wastes from farms resulting from the ~~raising or~~ growing of plants and animals ~~and husbandry~~ including, but not limited to, crop residue, livestock manure, animal bedding, and ~~carcasses of dead animals~~ routine livestock mortalities. Agricultural wastes do not include food processing wastes, meat processing waste, or animal mortalities from disaster, infectious disease, herd/flock die-off, or mass culling events to control the spread of disease.

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

WAC, Water quality standards for surface waters of the state of Washington.

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

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

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

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

**"Below ground tank"** means a device meeting the definition of "tank" in this chapter where a portion of the tank wall is situated to any degree within the ground, thereby preventing

visual inspection of that external surface of the tank that is in the ground.

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

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

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

can be beneficially recycled and meets all applicable requirements under chapter 173-308 WAC, Biosolids management.

**"Buffer"** means a permanently vegetated strip adjacent to a land application area, the purpose of which 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~~ provide carbon to achieve a targeted carbon to nitrogen ratio, 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.

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

**"Captive insurance companies"** means companies that are wholly owned subsidiaries controlled by the parent company and

established to insure the parent company or its other subsidiaries.

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

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

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

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

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

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

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

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

Examples of potentially clean soil may include, but are not limited to, soil from undeveloped lands unlikely to have impacts from release of contaminants associated with area-wide or local industrial or historical activities. This includes similar soils over which development may have occurred but land use is unlikely to have led to a release, such as use for residential housing, or over which development provided protection from impacts from a release, such as coverage by pavement. Soil with substances from natural background conditions, as natural background is defined in WAC 173-350-100, is clean soil under this section.

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

preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate. Clean wood waste does not include unsorted land clearing debris, brush, or yard debris.

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

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

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

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

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

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

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

**"Conditionally exempt small quantity generator (CESQG)"** means a dangerous waste generator whose dangerous wastes are

conditionally exempt from regulation under chapter ~~70.105~~70A.300 RCW, Hazardous waste management, solely because the waste is generated or accumulated in quantities below the threshold for regulation and meets the conditions prescribed in WAC 173-303-070 (8) (b) .

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

**"Container"** means a portable device used for the collection, storage, and/or transportation of solid waste including, but not 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, so that contaminants enter the environment at concentrations that pose a threat to human health

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

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

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

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

Contaminated dredged material is solid waste and must be managed at a solid waste handling facility in conformance with this chapter or chapter 173-351 WAC, Criteria for municipal solid waste landfills. Characterization of material may be required based on solid waste facility acceptance standards. An example of a potentially contaminated dredged material may

include, but is not limited to, dredged material from surface waters containing contaminants from a release.

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

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

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

Unless excluded in WAC 173-350-020, contaminated soil is solid waste and must be managed at a solid waste handling facility in conformance with this chapter or chapter 173-351 WAC, Criteria for municipal solid waste landfills.

Characterization of material may be required based on solid waste facility acceptance standards. Examples of potentially contaminated soil may include, but are not limited to, street

waste, petroleum contaminated soil, engineered soil, and soil likely to have contaminants from a release associated with industrial or historical activities.

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

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

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

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

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

**"De minimis"** means present in an amount as to have negligible effect on the look, characteristics, use, or impact to human health or the environment of a material. The presence of man-made materials such as, but not limited to, paper,

plastic, metal, and demolition debris that can reasonably be removed or that may become a litter problem is not de minimis.

**"Department"** means the Washington state department of ecology.

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

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

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

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

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

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

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

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

**"Engineered soil"** means soil that has been altered by the addition of man-made materials used to adjust soil engineering properties for construction projects, such as to alter shear

strength or hydraulic conductivity of soil. Engineered soil includes, but is not limited to, soil with cementitious materials. Cured concrete and asphalt are not engineered soil.

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

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

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

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

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

**"Food processing waste"** means a source-separated organic material that is 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.

"Food waste" mean waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, and similar materials that results from the storage, preparation, cooking, handling, selling, or serving of food for human consumption. Food waste includes, but is not limited to, excess,

spoiled, or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food waste includes food processing waste and meat processing waste. Food waste does not include dead animals not intended for human consumption or animal excrement.

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

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

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

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

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

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

**"Hydrostratigraphic unit"** means any water-bearing geologic unit or units hydraulically connected or grouped together on the basis of similar hydraulic conductivity which can be reasonably

monitored; several geologic formations or part of a geologic formation may be grouped into a single hydrostratigraphic unit; perched sand lenses may be considered a hydrostratigraphic unit or part of a hydrostratigraphic unit, for example.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**"Limited purpose landfill"** means a landfill that is not an inert waste landfill and receives or has received only solid

wastes designated as nonhazardous and are not municipal solid wastes. Limited purpose landfills include, but are not limited to, landfills that receive or have received segregated industrial solid waste, construction, demolition and land clearing debris, wood waste, ash (other than special incinerator ash), contaminated soil and contaminated dredged material. Limited purpose landfills do not include inert waste landfills, municipal solid waste landfills regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills, landfills disposing of special incinerator ash regulated under chapter 173-306 WAC, Special incinerator ash management standards, landfills regulated under chapter 173-303 WAC, Dangerous waste regulations, or chemical waste landfills used for the disposal of polychlorinated biphenyls (PCBs) regulated under Title 40 C.F.R. Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.

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

**"Liquid waste"** means any solid waste deemed to contain free liquids as determined by the Paint Filter Liquids Test, Method

9095, in *"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"* EPA Publication SW-846.

**"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.

"Livestock mortalities" means the carcasses of livestock animals, such as, but not limited to cattle, horses, poultry, and fish. Routine livestock mortalities are a component of agricultural waste. Routine livestock mortalities do not include meat processing waste or animal mortalities from disaster, disease die-off, and mass culling events.

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

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

"Low-grade wood" means wood pieces or particles used as a fuel for boilers or 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.

**"Manufactured organics"** means source separated solid wastes, such as nonplastic coated paper plates, cups, compostable bags, and other items designed to decompose through composting, anaerobic digestion, or through other organic materials recycling processes. Manufactured organics do not include physical contaminants such as plastics and coated paper products that will not readily decompose under typical

composting conditions, or wood derived fuel or wood waste as defined in this chapter.

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

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

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

"Meat processing waste" means organs, skins, bones, blood, fat, meat, and other animal parts from the slaughter, butchering, and other processing of animals. Meat processing

waste is a subset of food processing waste. Meat processing waste may not contain specified risk material as regulated by United States Department of Agriculture.

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

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

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

**"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 cleanup—Model Toxics Control Act, chapter 173-340 WAC, Model Toxics Control Act—Cleanup, or a remedial action taken under those statutes and rules; nor

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

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

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

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

**"On-farm"** means activities taking place on any agricultural land under the control of the same entity including parcels that

are not geographically contiguous but managed by the same entity for agricultural production and animal husbandry. On-farm includes aquatic systems used for fish farming or hatcheries.

~~"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, anaerobic digestion, and other processes that transform organic materials into usable or marketable materials.

**"Organic materials"** means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation. Organic materials include, but are not

limited to, manure, yard debris, food waste, food processing wastes, clean wood waste, and garden wastes. Organic materials does not include any materials contaminated by herbicides, pesticides, pests, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for general public or agricultural use.

"Organic materials management" means management of organic  
00:39  
materials through composting, anaerobic digestion, vermiculture, black soldier fly production, or similar technologies.

"Organic materials pre-processing" means the processing of organic feedstocks and packaged food to remove physical contaminants to achieve two percent or less physical contamination by volume to recover organic materials prior to organic materials management.

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

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

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

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

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

**"Physical contaminants"** as they relate to incoming feedstocks ~~and compost quality~~ means inorganic and organic constituents that are either not accepted by the receiving

facility, not recyclable in the system, or not readily decomposed during the ~~composting~~ organic materials management process including, but not limited to, packaging, plastics, glass, textiles, rubber, leather, metal, ceramics, polystyrene, and wood pieces containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

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

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

**"Point of compliance"** means a location at which a monitored parameter can be measured and evaluated for compliance with established standards or permit conditions. For groundwater compliance monitoring, the point of compliance will be located as near to the downgradient edge of the solid waste handling activity as technically, hydrogeologically and geographically

feasible. Other points of compliance in other media may be established by the solid waste permitting agency for solid waste handling facilities permitted under this chapter.

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

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

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

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

~~Preconsumer animal-based wastes are typically collected from food processing facilities and grocery stores.~~

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

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

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

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

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

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

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

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

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

**"Recyclable materials"** means those solid wastes that are separated for recycling or reuse, including~~7~~ but not limited to~~7~~ papers, metals, organic materials, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan.

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

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

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

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

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

handling. Use of solid waste as fill or alternative daily cover is not reuse.

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

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

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

**"Seismic impact zone"** means an area with a ten 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.

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

industrial septage mixed with domestic septage if approved in accordance with the provisions in WAC 173-308-020 (3)(g).

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

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

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

stockpiled wastes, active composting, curing piles, composted materials, and sorted recyclable materials on-site.

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

**"Soil amendment"** means any substance that is intended to improve the physical characteristics of soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable ~~s-manures,~~ food wastes, food processing wastes, and materials ~~exempted~~ excluded by rule of the department, such as biosolids as defined in chapter ~~70.95~~ 70A.226 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, and recyclable materials. See WAC 173-350-021 to determine if a material is solid waste.

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

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

**"Source separation"** means the separation of different kinds of solid waste at the place where the waste originates. [Examples of source separation include but are not limited to a household that places recyclable materials, yard waste, and trash into separate carts, a construction site that places construction](#)

debris to be recycled in one container and solid wastes to be disposed in another, a grocery store that places packaged or unpackaged food for purposes of recovery of the organic materials within in one container and other solid wastes the store generates in separate containers, or a lumber mill that separates wood ash to be disposed at a wood ash landfill in one container and other solid wastes destined for a municipal solid waste landfill in another.

**"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 stormwater catch basins and similar stormwater treatment and conveyance structures, and materials collected during street and parking lot sweeping.

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

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

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

**"Tip floor"** or **"tipping floor"** means the receiving area for incoming waste at facilities such as but not limited to a transfer station, material recovery facility, ~~or~~ recycling facility, or organic materials management facilities where vehicles unload waste materials prior to processing or

consolidation for transport. A container into which waste is directly deposited, such as a drop box, is not a tipping floor.

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

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

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

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

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

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

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

**"~~Vermicomposting~~Vermiculture"** means the controlled and managed process by which live worms convert organic materials into ~~fertile,~~ worm castings.

**"Waste tires"** means any tires that are no longer suitable for their original intended purpose because of wear, damage or defect. Waste tires include tires originally intended for use on public highways that are considered unsafe for this use in accordance with RCW 46.37.425. Waste tires also include

quantities of used tires that may be suitable for their original intended purpose when mixed with tires not suitable for their original intended purpose.

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

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

~~**"Wood waste"** means wood pieces or particles determined to be solid waste per WAC 173-350-021 generated from construction, demolition, handling and storage of raw materials, trees, stumps, and manufacturing of wood products. This may include,~~

~~but is not limited to, sawdust, chips, shavings, bark, pulp, and log sort yard waste, but does not include wood pieces or particles containing paint, laminates, bonding agents, or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.~~ "Worm castings" or "vermicast" means the end product from a complete vermiculture process that has converted organic feedstocks into worm castings ready for use. Worm castings free of physical contaminants may be managed as manure.

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

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

[Statutory Authority: Chapter 70.95 RCW, and RCW 70.95.060, 70.95.215, 70.95.218, 70.95.260(6), 70.95.300, 70.95.305, 70.95.310, 70.95.440. WSR 18-17-008 (Order 13-08), § 173-350-100, filed 8/1/18, effective 9/1/18. 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.]

NEW SECTION

**WAC 173-350-215 Organic materials pre-processing**

**(1) Organic materials pre-processing facilities -**

**Applicability.**

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

(b) These standards do not apply to:

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

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

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

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

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

(vi) Drop boxes used solely for collecting recyclable materials subject to WAC 173-350-310.

**(2) Organic materials pre-processing facilities - Permit exemptions.** Organic materials pre-processing conducted in accordance with the terms and conditions of Table 215-A of this

subsection are exempt from (additional) solid waste handling permitting under this section. If a facility does not operate in compliance with the terms and conditions established for an exemption under this subsection, the facility may be subject to the permitting requirements for solid waste handling under this chapter. In addition, violations of the terms and conditions of this subsection may be subject to the enforcement provisions of RCW 70A.205.280.

**Table 215-A**

**Terms and Conditions for Solid Waste Permit Exemptions**

|                   | <b><u>Organic Materials</u></b>                                                      | <b><u>Volume</u></b>           | <b><u>Specific Requirements for Activity or Operation</u></b>                                                                                                                                                                                                                                                                         |
|-------------------|--------------------------------------------------------------------------------------|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>(1)</u></b> | <u>All organic feedstocks containing less than two percent physical contaminants</u> | <u>No volume restrictions.</u> | <u>Exemption is for organic materials pre-processing of feedstocks that meet the two percent physical contaminant threshold upon arrival at permitted or permit exempt organic materials management facilities. Follow requirements of permit or terms and conditions of exemption for the organic materials management facility.</u> |

**(3) Organic materials pre-processing facilities - Permit requirements - Location.** There are no specific location standards for organic materials pre-processing facilities subject to permitting under this chapter; however, organic

materials pre-processing facilities must meet the performance standards of WAC 173-350-040.

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

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

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

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

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

(e) Provide a tip floor made of impervious material such as concrete or asphalt to prevent soil and groundwater

contamination. The surface must be durable enough to withstand equipment. The jurisdictional health department may approve other types of surfaces if the applicant can demonstrate that it will prevent soil and groundwater contamination;

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

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

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

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

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

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

(a) The owner or operator must submit facility drawings and construction documents for, at a minimum, any proposed addition or modification of elements described in subsection (4) of this section to the jurisdictional health department for review and approval. The facility drawings and construction documents for proposed construction of engineered features must be prepared by a professional engineer registered in the state of Washington, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features. The engineering report must demonstrate that the proposed design will meet the performance standards of WAC 173-350-040;

(ii) Scale drawing of the facility including the location and size of waste handling areas, fixed equipment, buildings, stormwater management features where applicable, access roads,

traffic patterns, and other constructed areas and buildings integral to facility operation;

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

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

(b) The owner or operator must provide copies of the construction record drawings for engineered features at the facility and a report documenting facility construction, including the results of observations and any testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. The owner or operator must not commence operation in a newly constructed portion of the facility until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report/plans and

specifications and has approved the construction documentation in writing.

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

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

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

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

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

(iv) A description of representative sample collection procedures of organic materials after physical contaminants have been removed, testing frequency to be every three months or 5,000 cubic yards, whichever is more frequent, use of test method XYZ (or as updated), and use of a Washington-accredited laboratory. An alternative frequency approved by the jurisdictional health department may be used.

(v) A description of how pre-processed materials that exceed the two percent physical contaminant by volume standard will be managed.

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

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

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

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

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

Materials may be transferred after hours without an attendant on-site if other controls approved by the jurisdictional health department are in place;

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

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

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

(G) Remove waste materials from the tipping floor at a frequency approved by the jurisdictional health department, but no longer than three days to prevent odor; and

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

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

(ix) A description of how operators will inspect and maintain the facility to prevent malfunctions, deterioration, operator errors, and discharges that may cause or lead to the release of wastes to the environment or a threat to human health, including the inspection form operators will use. Inspections must be conducted as needed, but at least weekly,

unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

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

(xi) Safety and emergency plans; and

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

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

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

(ii) Calendar year covered by the report;

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

(iv) Destination of materials;

(v) Annual summary of laboratory analysis, including all laboratory test records of processed material to demonstrate it contains equal to or less than two percent physical contaminants by volume. Accredited laboratories must be used for all analysis.

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

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

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

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

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

(c) Methods of removing waste materials.

(9) Organic materials pre-processing facilities - Permit requirements - Financial assurance. There are no specific

financial assurance requirements for organic materials pre-processing facilities subject to this chapter; however, facilities must meet the performance standards of WAC 173-350-040.

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

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

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

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

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

AMENDATORY SECTION

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

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

(b) These standards do not apply to:

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

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

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

~~(iv) Composting of bovine and equine carcasses for producers subject to RCW 70.95.30670A.205.270. Producers that fail to meet the conditions of RCW 70.95.30670A.205.270 will be~~

~~required to obtain a solid waste handling permit from the jurisdictional health department and must comply with all other conditions of this chapter; and~~

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

(2) **Composting facilities - Permit exemptions.** In accordance with RCW ~~70.95.305~~70A.205.265, ~~conditionally exempt~~composting facilities ~~composting materials and volumes in Table 220-A must meet the conditions listed in~~managed in accordance with Table 220-A, and (a) through ~~(e)~~h of this subsection ~~to be conditionally~~are exempt from solid waste handling permitting. ~~Feedstocks not listed in Table 220-A must be approved by the department and jurisdictional health department.~~ For the purposes of this subsection, "material on-site at any one time" includes feedstocks, active composting, curing piles, and composted materials. ~~An owner or operator that~~If a facility does not operate in ~~comply~~compliance with the terms and conditions ~~of Table 220-A and (a) of~~established for an exemption under -this subsection, the facility may be subject to the permitting requirements under ~~is required to obtain a permit~~

~~from the jurisdictional health department and must comply with all other applicable requirements of~~ this chapter. In addition, ~~violations of the terms and conditions of Table 220-A and (a)~~ of this subsection may be subject to the enforcement provisions of RCW ~~70.95.315~~70A.205.280.

**Table 220-A**

**Terms and Conditions for Solid Waste Permit Exemptions**

|        | Organic Materials                                                                                      | Volume                                                                                                                                                            | Specific Requirements for Activity or Operation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)    | All organic feedstocks                                                                                 | <del>No more than</del> <u>Up to 5,000 gallons or 25-10</u> cubic yards of material on-site at any one time.                                                      | <u>All material must be generated on site.</u> No notification, reporting or testing requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| (2)    | <u>All organic feedstocks limited to up to 20 percent food waste</u>                                   | <u>Up to 25 cubic yards of material onsite at any one time. All material must be generated onsite.</u>                                                            | <u>All material must be generated on site. No notification, reporting or testing requirements.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| (2)(3) | <del>All organic feedstocks</del> <u>All organic feedstocks limited to up to 20 percent food waste</u> | <u>Up to</u> <del>Greater than 25 but no more than</del> 250 cubic yards of material on-site at any one time, not to exceed 1,000 cubic yards in a calendar year. | <p>(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department;</p> <p>(b) Facilities that distribute composted material off-site must meet the following conditions:</p> <p>(i) Manage the operation to reduce pathogens to meet limits set by Table 220-B;</p> <p>(ii) Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is based on volume of compost produced annually as required by subsection (4)(a)(x)<del>(B)</del> of this section; and</p> <p>(iii) Submit annual reports and results <del>of</del> composted material analysis <u>including all laboratory test results</u> to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. <u>The annual report must detail activities</u></p> |

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

|                           | <b>Organic Materials</b>                                                            | <b>Volume</b>                                                                                                                                                                                                                                            | <b>Specific Requirements for Activity or Operation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                           | Manure and bedding<br>Bulking agents                                                | not to exceed 2,500 cubic yards processed in a calendar year.                                                                                                                                                                                            | <p>must be submitted on a form provided by the department.</p> <p>(b) Facilities that distribute composted materials off-site must meet the following conditions:</p> <p>(i) Manage the operation to reduce pathogens to meet limits set by Table 220-B;</p> <p>(ii) Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is based on volume of compost produced annually as required by subsection <del>(6)4(a)(x)(B)</del> of this section; and</p> <p>(iii) Submit annual reports and results of composted material analysis <u>including all laboratory test results</u> to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. <u>The annual report must detail activities during the previous calendar year and must include the following information:</u></p> <p><u>(i) Name and address of the operation;</u></p> <p><u>(ii) Calendar year covered by the report;</u></p> <p><u>(iii) Annual quantities and types of feedstocks received, compost produced, and waste disposed, in cubic yards or tons;</u></p> <p><u>(iv) Destination of materials; and</u></p> <p><u>(v) Any additional information required by the department.</u></p> |
| <del>(4)</del> <u>(6)</u> | Agricultural wastes<br>Yard debris<br><u>Land clearing debris</u><br>Bulking agents | <u>Up to Greater than 25 but no more than 1,02,500</u> cubic yards of <u>material agricultural wastes and bulking agents</u> on-farm at any one time, and up to 50% of organic materials on-farm can be yard debris <u>and/or land clearing debris</u> . | <p><u>Exemption applies to agricultural composting only.</u></p> <p>Agricultural farms managing more than 25 cubic yards of imported yard debris on-site at any one time or composting only agricultural wastes but that distribute off-site must meet the following conditions:</p> <p>(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notification must be submitted on a form provided by the department;</p> <p><del>(b) If agricultural farm is only managing agricultural waste and not distributing composted material off farm, then notification in (4)(a) of this table is not required;</del></p> <p><del>(e)</del><u>b</u> Facilities that distribute composted material off-site must meet the following conditions:</p> <p>(i) Manage operation to reduce pathogens to meet limits set by Table 220-B of this section;</p>                                                                                                                                                                                                                                                                                                                       |

|                           | Organic Materials                                                                | Volume                                                                                                                                                                                                                 | <p><b>Specific Requirements for Activity or Operation</b></p> <p>(ii) Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is based on volume of compost produced annually as required by subsection <del>(6)4(a)(*) (B)</del> of this section; and</p> <p>(iii) Submit annual reports and results of composted material analysis <u>including all laboratory test results</u> <del>records</del> to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the <del>department</del> <u>department</u>. <u>The annual report must detail activities during the previous calendar year and must include the following information:</u></p> <p><u>(i) Name and address of the operation;</u><br/> <u>(ii) Calendar year covered by the report;</u><br/> <u>(iii) Annual quantities and types of feedstocks received, compost produced, and waste disposed, in cubic yards or tons;</u><br/> <u>(iv) Destination of materials; and</u><br/> <u>(v) Any additional information required by the department.</u></p>                                                                                                                                                                                             |
|---------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <del>(5)</del> <u>(7)</u> | Agricultural wastes<br><del>Manure and bedding from zoos</del><br>Bulking agents | <del>Greater than 25 cubic yards with a</del> <u>No</u> upper limits when only agricultural wastes, <del>manure and bedding from zoos,</del> and bulking agents are processed on-farm, <del>or on site for zoos.</del> | <p><u>Exemption applies to agricultural composting only.</u><br/> <del>Agricultural</del> Farms that distribute composted material off-farm, <del>or off site for zoos,</del> must meet the following conditions:</p> <p>(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notification must be submitted on a form provided by the department;</p> <p>(b) For composting at a dairy, composting must occur as part of an updated dairy nutrient management plan as required by chapter 90.64 RCW, Dairy Nutrient Management Act;</p> <p>(c) For composting at a farm other than a dairy, composting must occur as part of an updated farm management plan written in conjunction with a conservation district, a qualified engineer, or other agricultural professional able to certify that the plan meets applicable conservation practice standards in the USDA <i>Washington Field Office Technical Guide</i>, Code 317, produced by the Natural Resources Conservation Service;</p> <p>(d) Facilities that distribute composted material off-site must meet the following conditions:</p> <p>(i) Manage the operation to reduce pathogens to meet limits set by Table 220-B of this section;</p> |

|     | Organic Materials                                                                                          | Volume                | <p><b>Specific Requirements for Activity or Operation</b></p> <p>(ii) Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is based on volume of compost produced annually as required by subsection <u>(6)</u> <del>(4)(a)(*) (B)</del> of this section; and</p> <p>(iii) Submit annual reports and results of composted material analysis <u>including all laboratory test records</u> <del>raw lab data</del> to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. <u>The annual report must detail activities during the previous calendar year and must include the following information:</u></p> <p><u>(i) Name and address of the operation;</u><br/> <u>(ii) Calendar year covered by the report;</u><br/> <u>(iii) Annual quantities and types of feedstocks received, compost produced, and waste disposed, in cubic yards or tons;</u><br/> <u>(iv) Destination of materials; and</u><br/> <u>(v) Any additional information required by the department.</u></p>                                                                                                                                                                                                                                                                   |
|-----|------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (8) | <u>Animal mortalities from disaster, disease die-off, and mass culling events</u><br><u>Bulking agents</u> | <u>No upper limit</u> | <p><u>This exemption is limited to emergency composting of animal mortalities under a method approved by the Washington State Department of Agriculture and the state veterinarian.</u><br/> <u>Facilities that distribute composted material off-site must meet the following conditions:</u></p> <p><u>(a) Thirty days prior to distribution, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notification must be submitted on a form provided by the department;</u><br/> <u>(i) Manage the operation to reduce pathogens to meet limits set by Table 220-B of this section;</u><br/> <u>(ii) Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is based on volume of compost produced annually as required by subsection (6) of this section; and</u><br/> <u>(iii) Submit annual reports and results of composted material analysis including all laboratory test records</u> <del>raw lab data</del> <u>to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail material recovery or recycling activities during the previous calendar year and must include the following information:</u></p> |

|     | Organic Materials                                                                    | Volume                | Specific Requirements for Activity or Operation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----|--------------------------------------------------------------------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                                                                      |                       | <p>(i) Name and address of the operation;<br/> (ii) Calendar year covered by the report;<br/> (iii) Annual quantities and types of feedstocks received, compost produced, and waste disposed, in cubic yards or tons;<br/> (iv) Destination of materials; and<br/> (v) Any additional information required by the department.</p> <p>Material that does not meet compost quality standards of Table 220-B may be distributed at the judgement of the Washington State Department of Agriculture and the state veterinarian as described in Table 225-A, but such material is not considered compost, may not be promoted as compost, and is not eligible for compost reimbursement programs. Non-compost is not subject to the notification, or reporting requirements above.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| (9) | <u>Manure and bedding from zoos excluding primate waste</u><br><u>Bulking agents</u> | <u>No upper limit</u> | <p><u>This exemption applies to composting at zoos only. Zoos must meet the following conditions:</u></p> <p>(a) <u>Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notification must be submitted on a form provided by the department;</u></p> <p>(d) <u>Facilities that distribute composted material off-site must meet the following conditions:</u></p> <p>(i) <u>Manage the operation to reduce pathogens to meet limits set by Table 220-B of this section;</u></p> <p>(ii) <u>Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is based on volume of compost produced annually as required by subsection (6) of this section; and</u></p> <p>(iii) <u>Submit annual reports and results of composted material analysis including all laboratory test results</u> records to the department and the jurisdictional health department by April 1st of each calendar year. <u>Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information:</u></p> <p>(i) <u>Name and address of the operation;</u><br/> (ii) <u>Calendar year covered by the report;</u><br/> (iii) <u>Annual quantities and types of feedstocks received, compost produced, and waste disposed, in cubic yards or tons;</u><br/> (iv) <u>Destination of materials; and</u><br/> (v) <u>Any additional information required by the department.</u></p> |

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

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

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

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

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

(f) Limit physical contaminants in incoming feedstocks to no more than two percent by volume~~;~~;

(g) Exclude feedstocks when necessary to comply with restrictions to prevent spread of animal diseases such as chronic wasting disease; and

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

(i) Control leachate;

(ii) Prevent dust, odors, and vectors;

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

**(3) Composting facilities - Permit requirements - Location.**

There are no specific location standards for composting facilities subject to this chapter; however, composting facilities must meet the performance standards of WAC 173-350-040.

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

**(4) Composting facilities - Permit requirements - Design.**

~~Composting facilities must be designed and constructed to meet the requirements of this subsection.~~ Composting facilities must be designed so that the facility can be operated to meet the performance standards of WAC 173-350-040, and the following design standards:

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

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

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

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

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

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

~~(eii) The facility can be operated to p~~P~~romote a~~  
controlled, aerobic decomposition system. ~~This requirement is intended to ensure that compost facility designers take into account~~ The design must consider porosity, nutrient balance, pile oxygen, pile moisture, pile temperature, and ~~retention time~~

~~of composting~~compost processing and curing time; ~~when designing a facility. It is not intended to mandate forced aeration or any other specific composting technology.~~

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

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

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

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

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

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

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

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

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

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

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

~~(i i i) Composting facilities must manage any~~Convey leachate ~~generated at the facility by providing leachate management features. The leachate management features include, but are not limited to, leachate collection, conveyance, and storage structures, or treatment systems. Leachate must be collected~~ from areas of feedstock storage and preparation, active composting, and curing, and be conveyed to a surface impoundment, tank, or sanitary sewer to prevent uncontrolled

discharges;~~leachate storage structure or treatment system. Any discharges to ground that result in contaminants migrating to groundwater require a waste discharge permit under chapter 90.48 RCW, Water pollution control, prior to discharge. Discharges to ground that result in degradation of groundwater quality are prohibited under chapter 90.48 RCW, Water pollution control. Any discharge to sanitary sewer requires additional permitting by the local delegated authority or department;~~

(~~iii~~iii) Provide Sstormwater and leachate collection and conveyance structures ~~must be designed based on the volume of water resulting~~ from a twenty-five-year storm ~~event~~;

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

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

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

(C) Monthly leachate reuse or removal; and

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

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

~~(A) Leachate ponds at registered dairies must meet Natural Resources Conservation Service standards for a waste storage facility in the 2001 (revised June 2011) Washington Field Office Technical Guide (Code 313).~~

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

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

leachate into the ground or surface waters at least as effectively as the liners described in this subsection;

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

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

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

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

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

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

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

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

~~feedstock and compost handling, or by active composting at the facility;~~

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

~~(v) The jurisdictional health department may allow pads for compost facilities to be designed and constructed with materials other than those listed in (f) (iv) of this subsection, provided the applicant demonstrates in the engineering report to the jurisdictional health department's and the department's satisfaction that the alternative pad provides sufficient protection to meet the performance standards of this section and of WAC 173-350-040.~~

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

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

**(5) Composting facilities - Permit requirements -**

**Documentation.** ~~Within thirty days of completing construction,~~

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

(a) The owner or operator must submit facility drawings and construction documents for, at a minimum, any proposed elements, or addition or modification of elements described in subsection (4) of this section to the jurisdictional health department for review and approval. The facility drawings and construction documents for proposed construction of engineered features must

be prepared by a professional engineer registered in the state of Washington, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features. The engineering report must demonstrate that the proposed design will meet the performance standards of WAC 173-350-040;

(ii) Scale drawing of the facility including the location and size of waste handling areas, fixed equipment, buildings, stormwater and leachate management features, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation;

(iii) Design specifications for the engineered features of the facility; and

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

(b) The owner or operator must provide copies of the construction record drawings for engineered features at the

facility and a report documenting facility construction, including the results of observations and any testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. The owner or operator must not commence operation in a newly constructed portion of the facility until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

**(6) Composting facilities - Permit requirements -**

**Operating.** The owner or operator of a composting facility must:

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

languages that employees can read. Each plan of operation must include the following:

(i) A description of the types of waste materials to be handled at the facility. Feedstocks must be approved by the jurisdictional health department;

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

(iii) A description of procedures and criteria for ensuring that only the feedstocks described will be accepted. This includes a plan for rejecting feedstocks contaminated with greater than two percent physical contaminants by volume. Management of rejected feedstocks are the responsibility of the entity in possession of the contaminated organic materials at the time of delivery per WAC 173-350-025, and the compost facility is not considered to have taken ownership of loads

until they have been inspected, even if materials were tipped at the facility in order to inspect.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Bii) Aerated static pile must have a cover such as a synthetic material or a minimum one foot layer of finished compost, overs, or other approved media to ensure that pathogen reduction temperatures are reached and vectors are controlled.

The temperature of the active compost pile must be maintained at fifty-five degrees Celsius (one hundred thirty-one degrees Fahrenheit) or higher for three consecutive days (seventy-two hours); or

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

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

(~~viii~~E) Monitoring of the composting process ~~according to the plan of operation submitted during the permitting process.~~

Monitoring must include inspection of incoming loads of feedstocks and pathogen reduction requirements of ~~(a) (vii)~~ of this subsection;

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

(~~\*~~G) Analyzeing composted material for metals and other testing parameters listed in Table 220-B. All testing must be done by an accredited laboratory. T

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

(~~B~~H) Testing frequency is based on amount of composted material produced. A representative sample of composted material must be tested for every 5,000 cubic yards produced, or every three hundred sixty-five days, whichever is more frequent. The jurisdictional health department may modify the frequency of testing based on historical ~~data~~ laboratory test records for a particular facility;

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

**Table 220-B**

**Testing Parameters**

| <b>Metals and other testing parameters</b> | <b>Limit (mg/kg dry weight), unless otherwise specified</b>                                                                     |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Arsenic                                    | ≤ 20 ppm                                                                                                                        |
| Cadmium                                    | ≤ 10 ppm                                                                                                                        |
| Copper                                     | ≤ 750 ppm                                                                                                                       |
| Lead                                       | ≤ 150 ppm                                                                                                                       |
| Mercury                                    | ≤ 8 ppm                                                                                                                         |
| Molybdenum                                 | ≤ 9 ppm                                                                                                                         |
| Nickel                                     | ≤ 210 ppm                                                                                                                       |
| Selenium                                   | ≤ 18 ppm                                                                                                                        |
| Zinc                                       | ≤ 1400 ppm                                                                                                                      |
| Physical contaminants <sup>1</sup>         | ≤ <del>50.5</del> percent by <u>dry</u> weight total, not to exceed <del>+0.125</del> percent film plastic by <u>dry</u> weight |
| Sharps                                     | 0                                                                                                                               |
| pH                                         | 5 - 10 (range)                                                                                                                  |
| Biological stability <sup>1,2</sup>        | Moderately unstable to very stable                                                                                              |
| Fecal coliform <sup>2,3</sup>              | < 1,000 Most Probable Number per gram of total solids (dry weight)                                                              |
| OR                                         |                                                                                                                                 |
| Salmonella                                 | < 3 Most Probable Number per 4 grams of total solids (dry weight)                                                               |

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

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

<sup>3</sup>Test for either fecal coliform or salmonella.

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

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

(A) Control litter, dust and nuisance odors;  
(B) Control rodents, insects, birds, and other vectors;  
(C) Ensure that handling of waste capable of attracting birds does not pose an aircraft safety hazard and meet federal aviation administration requirements.

(vi) Ensure the facility operates under the supervision and control of properly trained operators during all hours of operation. Training must include:

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

(B) Facility supervisors responsible for daily operation must receive a minimum of four hours of continuing education per

year or six hours over the most recent two years, and keep records of this training on-site at all times. Continuing education hours may be obtained through organizations such as the Washington Organic Recycling Council, Washington State Recycling Association, the Solid Waste Association of North America, the Compost Research and Education Foundation, the U.S. Composting Council, or other training as approved by the jurisdictional health department. Training offered to participants in a virtual format may count toward continuing education hours. Alternatively, a facility supervisor may obtain a compost facility operator license from a 3<sup>rd</sup> party organization that requires an average of 6 or more continuing education hours over the most recent two years, in which case the certification information must be kept on-site at all times. Certification may be obtained through the US Composting Council or other organizations approved by the jurisdictional health department; and

(C) Facility employees must receive training in appropriate facility operations, maintenance procedures, and safety and emergency procedures according to individual job duties.

Operator training to include required reading of the approved plan of operation. A trained supervisor may provide appropriate training to employees responsible for daily operations.

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

(A) Inspect the liner for degradation and ruptures of the liner material and for failure of any seams or joints in the liner material. If the maximum wetted extent of the liner

geomembrane cannot be directly inspected visually, then the liner must be tested for leaks by electrical leak detection survey methods. If leaks, degradation, or ruptures of the liner material are detected, the liner must be repaired; and

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

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

~~(c) For compost facilities with leachate holding ponds, conduct regular liner inspections at least once every five years, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. The frequency of inspections must be specified in the operations plan and must be based on the type of liner, expected~~

~~service life of the material, and the site-specific service conditions:~~

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

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

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

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

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

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

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

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

jurisdictional health department. Additionally, operators must maintain compost records including:

(A) Daily temperatures representative of composting materials;

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

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

(ix) Safety and emergency plans;

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

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

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

(C) A plan describing facility and operational improvements that could be made, if nuisance odors are identified beyond the facility's property boundary, as determined by the jurisdictional health department, the department, or the permitting air authority. The description of operational

improvements must address feedstock receiving, processing, leachate systems, (if applicable) and processed material storage areas of the facility.

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

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

- (i) Name and address of the facility;
- (ii) Calendar year covered by the report;
- (iii) Annual quantity and type of feedstocks received, ~~and~~ compost produced, and waste disposed in cubic yards or tons;
- (iv) Annual quantity and destination of composted material sold or distributed, in cubic yards or tons;
- (v) Annual summary of laboratory analysis and all laboratory test records of composted material; and

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

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

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

~~(ii) A plan to control air contaminants such as dust and  
nuisance odors to prevent contaminants from migrating beyond  
property boundaries in accordance with WAC 173-350-040(3),  
including: (C) A description of facility maintenance activities  
(D) A description of how feedstocks with high moisture or the~~

~~potential for high odors will be managed to reduce nuisance odors upon receipt, and through the composting pro~~

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

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

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

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

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

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

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

~~(C) Procedures and criteria for ensuring that only the feedstocks described will be accepted. This includes a plan for rejecting feedstocks contaminated with greater than five percent physical contaminants by volume, or a plan to accept and~~

~~separate contaminated loads from noncontaminated loads, and  
reduce physical contaminants to an acceptable level prior to  
composting;~~

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

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

~~(II) "This compost does not meet Department of Ecology  
standards for film plastic content for unrestricted use. This  
compost may only be used in locations where a means of removing  
or containing the film plastic on-site is put in place promptly  
after use. Acceptable controls include removal from the site,  
incorporation, planting, covering with soil or another media, or~~

~~containment in a compost sock or similar device. This product may not be used adjacent to regulated waters of the state (e.g., wetlands, streams, lakes) or in environmentally sensitive areas."~~

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

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

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

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

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

~~(J) Pathogen reduction plan;~~

~~(K) Representative sampling and analysis plan for the composted material such as described in the 2002 U.S. Composting~~

~~Council Test Methods for the Examination of Composting and Compost Method 02.01 A through E;~~

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

~~(M) Stormwater management plan.~~

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

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

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

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

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

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

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

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

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

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

**(7) Composting facilities - Permit requirements -**

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

(8) **Composting facilities - Permit requirements - Closure.**

The owner or operator of a composting facility must develop, keep, and follow a closure plan that includes:

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

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

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

(9) **Composting facilities - Permit requirements - Financial assurance.** There are no specific financial assurance requirements for composting facilities subject to this chapter;

however, composting facilities must meet the performance standards of WAC 173-350-040.

(10) **Composting facilities - Permit application contents.**

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

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

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

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

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

(11) **Composting facilities - Designation of composted materials.** When used on-site or distributed off-site, composted

materials meeting the testing parameters of Table 220-B are no longer subject to this chapter. Composted materials that do not meet these requirements are solid waste and subject to management under chapter ~~70.95~~[70A.205](#) RCW, Solid waste management—Reduction and recycling.

[Statutory Authority: Chapter 70.95 RCW, and RCW 70.95.060, 70.95.215, 70.95.218, 70.95.260(6), 70.95.300, 70.95.305, 70.95.310, 70.95.440. WSR 18-17-008 (Order 13-08), § 173-350-220, filed 8/1/18, effective 9/1/18. Statutory Authority: RCW 70.95.020(3), 70.95.060(1), 70.95.260(6), 70.95.305, 70.95.330. WSR 13-08-016 (Order 10-06), § 173-350-220, filed 3/25/13, effective 4/25/13. Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-220, filed 1/10/03, effective 2/10/03.]

#### AMENDATORY SECTION

**WAC 173-350-225 Other organic materials~~s~~ handling activities.**

(1) Other organic materials handling facilities - Applicability.

(a) These standards apply to other organic materials handling facilities.

(b) These standards do not apply to:

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

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

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

~~(12)~~ Other organic materials handling facilities - Permit exemptions. In accordance with RCW ~~70.95.305~~70A.205.265, ~~activities identified in this section are exempt from solid waste handling permitting when in compliance with the terms and conditions of this section. Any person engaged in the activities in this section that does not comply with the terms and conditions of this section is required to obtain a permit from the jurisdictional health department in accordance with the requirements of WAC 173-350-490.~~ facilities managed in accordance with the terms and conditions of Table 225-A and (a) though (g) of this subsection are exempt from solid waste handling permitting. If a facility does not operate in compliance with the terms and conditions established for an

exemption under this subsection, the facility may be subject to the permitting requirements for solid waste handling under this chapter. In addition, violations of the terms and conditions of this section may be subject to the enforcement provisions of RCW ~~70.95.315~~ 70A.205.280.

**Table 225-A**

**Terms and Conditions for Solid Waste Permit Exemptions**

|     | <b>Organic Materials</b> | <b>Volume</b>                                                                                                                                                                                       | <b>Specific Requirements for Activity or Operation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) | All organic feedstocks   | <u>Up to</u> <del>No more than 51,000</del> gallons <u>of liquid or semi-solid material</u> or <del>1025</del> cubic yards of <u>solid</u> material on-site at any one time.                        | <u>All systems - all material must be generated onsite.</u> No notification, reporting or testing requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| (2) | All organic feedstocks   | <u>Up to</u> <del>Greater than 25 but no more than 250</del> cubic yards of material <del>generated on or off-site, or up to 1,000 cubic yards of material generated</del> on-site at any one time. | Exemption applies to vermiculture, <del>composting</del> <u>black soldier fly production, or similar raising of other beneficial organisms</u> only.<br><del>Vermicomposting facilities</del> Facilities managing more than <del>1025</del> cubic yards of any organic material must meet the following conditions:<br>(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department.<br>(b) Facilities that distribute <u>processed organic materials</u> off-site must <del>demonstrate physical contaminants are equal to or less than 50.5 percent by dry weight and 10.1 percent film plastic by dry weight.</del> <u>and</u> submit annual reports to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. <u>The annual report must detail activities during the previous calendar year and must include the following information:</u><br><br><u>(i) Name and address of the operation;</u> |

|              | Organic Materials                                                                                                                | Volume                                                                                                                 | <p><b>Specific Requirements for Activity or Operation</b></p> <p><u>(ii) Calendar year covered by the report;</u></p> <p><u>(iii) Annual quantities and types of waste received, recovered or recycled, and disposed, in tons;</u></p> <p><u>(iv) Destination of materials; and</u></p> <p><u>(v) Any additional information required by the department.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (3)          | <p>Preconsumer vegetative food waste</p> <p>Yard debris</p> <p>Crop residues</p> <p>Manure and bedding</p> <p>Bulking agents</p> | <p><u>Up to</u> <del>Greater than 25 but no more than</del> 1,000 cubic yards of material on-site at any one time.</p> | <p>Exemption applies to vermiculture <del>composting</del> only. Vermiculture <del>composting</del> facilities managing more than <del>1025</del> cubic yards of <u>organic materials</u> <del>only the listed feedstocks</del> must meet the following conditions:</p> <p>(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department.</p> <p><u>(b) Facilities that distribute processed organic materials off-site must demonstrate physical contaminants are equal to or less than <del>50.5</del> percent by dry weight and <del>10.1</del> percent film plastic by dry weight and submit annual reports to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information:</u></p> <p><u>(i) Name and address of the operation;</u></p> <p><u>(ii) Calendar year covered by the report;</u></p> <p><u>(iii) Annual quantities and types of waste received, recovered or recycled, and disposed, in tons;</u></p> <p><u>(iv) Destination of materials; and</u></p> <p><u>(v) Any additional information required by the department.</u> <del>(b) Facilities that distribute material off site must submit annual reports to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department.</del></p> |
| <u>( 4 )</u> | <u>Agricultural Waste</u>                                                                                                        | <u>No upper limit</u>                                                                                                  | <p><u>Exemption applies to vermiculture of agricultural wastes on farm only. All organic materials must be generated on-farm. Facilities</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|        | Organic Materials      | Volume                                                                                                                                                                                                                                                     | Specific Requirements for Activity or Operation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        |                        |                                                                                                                                                                                                                                                            | <p><u>that distribute material offsite must meet the following:</u></p> <p>(a) <u>Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department.</u></p> <p>(b) <u>Submit annual reports to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information:</u></p> <p><u>(i) Name and address of the operation;</u><br/> <u>(ii) Calendar year covered by the report;</u><br/> <u>(iii) Annual quantities and types of waste received, recovered or recycled, and disposed, in tons;</u><br/> <u>(iv) Destination of materials; and</u><br/> <u>(v) Any additional information required by the department.</u></p>                                                                                    |
| (4)(5) | All organic feedstocks | Greater than <del>15</del> ,000 but no more than 50,000 gallons of liquid or semi-solid material on-site at any one time; or Greater than <del>1025</del> but no more than 250 cubic yards of <del>nonliquid-solid</del> material on-site at any one time. | <p>Other conversion technologies managing more than 5,000 gallons liquid or semi-solid or <del>1025</del> cubic yards of nonliquid material must meet the following conditions:</p> <p>(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notification must be submitted on a form provided by the department.</p> <p>(b) Facilities that distribute material off-site must <del>demonstrate physical contaminants are equal to or less than .50.5 percent by dry weight and .1 percent film plastic by dry weight and</del> meet the following conditions:</p> <p>(i) Sample and test material every 1 million gallons or 5,000 cubic yards or once per year, whichever is more frequent, to demonstrate it meets compost quality standards of WAC 173-350-220(4) (Table 220-B) before it is distributed for off-site use; or</p> <p>(ii) Ensure material meets the conditions for a commercial fertilizer as applicable in chapter 15.54 RCW, Fertilizers, minerals, and limes; or</p> |

|     | Organic Materials                                                                                          | Volume                | Specific Requirements for Activity or Operation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----|------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                                                                                            |                       | <p>(iii) Send material to a compliant permitted or conditionally exempt compost facility for further treatment to meet compost quality standards; or</p> <p>(iv) Land apply material in accordance with WAC 173-350-230, Land application; or</p> <p>(v) Use material in accordance with WAC 173-350-200, Beneficial use permit exemption; or</p> <p>(vi) Process or manage material in an alternate manner approved by the department, <del>or the jurisdictional health department.</del></p> <p>(c) Submit annual reports to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. <u>The annual report must detail activities during the previous calendar year and must include the following information:</u></p> <p><u>(i) Name and address of the operation;</u></p> <p><u>(ii) Calendar year covered by the report;</u></p> <p><u>(iii) Annual quantities and types of waste received, recovered or recycled, and disposed, in tons;</u></p> <p><u>(iv) Destination of materials; and</u></p> <p><u>(v) Any additional information required by the department.</u></p> |
| (6) | <u>Animal mortalities from disaster, disease die-off, and mass culling events</u><br><u>Bulking agents</u> | <u>No upper limit</u> | <p><u>Exemption applies to land application of processed animal mortalities only when management method is approved by Washington State Department of Agriculture and state veterinarian.</u></p> <p><u>Material not meeting the compost quality standards may be land applied at agronomic rates when application is approved and overseen by WSDA.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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

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

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

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

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

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

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

(g) Exclude feedstocks when necessary to comply with restrictions to prevent spread of animal diseases such as chronic wasting disease.

(3) Other organic materials handling activities - Permit requirements - Location. There are no specific location standards for other organic material handling activities subject to this chapter; however, other organic material handling

activities must meet the performance standards of WAC 173-350-040.

Note:

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

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

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

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

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

(d) Provide effective means to control litter including, but not limited to, orientation of the tipping floor in a manner that prevents prevailing winds from moving waste outside the

collection area when other structures are not in place to prevent this;

(e) Provide a tipping floor, if utilized, made of impervious material such as concrete or asphalt to prevent soil and groundwater contamination. The surface must be durable enough to withstand equipment. The jurisdictional health department may approve other types of surfaces if the applicant can demonstrate that it will prevent soil and groundwater contamination;

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

(g) Convey leachate, if likely to be generated, from the tipping floor and any ancillary areas likely to collect leachate, such as wash down areas, to a surface impoundment, tank, or sanitary sewer, or use other methods approved by the jurisdictional health department to prevent uncontrolled discharge.

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

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

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

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

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

(a) The owner or operator must submit facility drawings and construction documents for, at a minimum, any proposed addition or modification of elements described in subsection (4) of this section to the jurisdictional health department for review and approval. The facility drawings and construction documents for proposed construction of engineered features must be prepared by a professional engineer registered in the state of Washington, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features. The engineering

report must demonstrate that the proposed design will meet the performance standards of WAC 173-350-040;

(ii) Scale drawing of the facility including the location and size of waste handling areas, fixed equipment, buildings, stormwater management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation;

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

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

(b) The owner or operator must provide copies of the construction record drawings for engineered features at the facility and a report documenting facility construction, including the results of observations and any testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. The owner

or operator must not commence operation in a newly constructed portion of the facility until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

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

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

(i) A description of the types of waste materials to be handled at the facility;

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

(iii) A description of procedures and criteria for ensuring that only the feedstocks described will be accepted. This includes a plan for rejecting feedstocks contaminated with greater than two percent physical contaminants by volume. Management of rejected feedstocks are the responsibility of the entity in possession of the contaminated organic materials at the time of delivery per WAC 173-350-025, and the facility is not considered to have taken ownership of loads until they have been inspected, even if materials were tipped at the facility in order to inspect.

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

incoming feedstock, active processing materials, and processed materials. Feedstocks must be approved by jurisdictional health department. This description must include;

(A) A description of the end-use of processed materials and testing of the materials; and

(B) If distributing processed materials (solids, semi-solids, or liquids) off-site, produce and manage the product so that it does not harm human health or the environment; and:

(I) Test representative samples of material every 5,000 cubic yards using the land application standards in WAC 173-350-230(10)(a)(iii)-(v) and demonstrate material contains equal to or less than ~~.5~~0.5 percent physical contaminants by dry weight, and ~~.1~~0.1 percent film plastic by dry weight. An accredited laboratory must be used for all analysis. An alternate testing frequency may be required or approved by the jurisdictional health department; or

(II) Ensure material meets the conditions for a commercial fertilizer as applicable in chapter 15.54 RCW, Fertilizers, minerals, and limes; or

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

(IV) Land apply material in accordance with WAC 173-350-230, Land application; or

(V) Use material in accordance with WAC 173-350-200, Beneficial use permit exemption; or

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

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

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

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

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

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

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

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

(vii) A description of how facility staff will be appropriately trained in facility operations, maintenance procedures, and safety and emergency procedures according to individual job duties. Operator training to include required reading of the approved plan of operation.

(viii) A description of how operators will inspect and maintain the facility to prevent malfunctions, deterioration, operator errors and discharges that may cause or lead to the release of wastes to the environment or a threat to human health. Inspections must include the surface on which wastes are placed, or tank or impoundment in which they are stored or treated, and the leachate and stormwater control systems. Inspections must be as needed, but at least weekly, to ensure

the facility is meeting the operational standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(ix) A description of how operators will maintain operating records on the amounts (weight or volume) and the types of waste received and disposed, amounts of processed waste distributed or used on-site, end use of processed material, including the form or computer printout used to record this information. Facility annual reports must be maintained in the operating record.

Facility inspection reports must be maintained in the operating record, including at least the date of inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action.

Significant deviations from the plan of operation must be noted in the operating record. Records must be kept for a minimum of five years and must be available upon request by the jurisdictional health department;

(x) Safety and emergency plans;

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

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

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

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

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

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

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantities and types of feedstocks received, amounts processed material produced and distributed or used onsite, and waste disposed, in tons or cubic yards;

(iv) Destination of materials;

(v) Annual summary of laboratory analysis, including all laboratory ~~data~~ test records of processed material to demonstrate it contains equal to or less than ~~.5~~0.5 percent physical contaminants by dry weight, and ~~1~~0.1 percent film plastic by dry weight. Accredited laboratories must be used for all analysis; and

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

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

**(8) Other organic material handling activities - Permit requirements - Closure.** The owner or operator of a facility must:

(a) Develop, keep, and follow a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan must include removing all organic materials, including processed materials, from the facility. For planning purposes, assume the facility is at full permitted site capacity when it is closed; and

(b) Notify the jurisdictional health department sixty days in advance of closure. At closure, the facility is financially responsible for the removal of all organic materials including, but not limited to, raw or partially processed feedstocks, and processed material from the facility. The materials must be sent to another facility that complies with the applicable regulations for handling the waste.

**(9) Other organic materials handling activities - Permit requirements - Financial assurance.** There are no specific financial assurance requirements for other organic material

handling facilities subject to this chapter; however, facilities must meet the performance standards of WAC 173-350-040.

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

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

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

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

[Statutory Authority: Chapter 70.95 RCW, and RCW 70.95.060, 70.95.215, 70.95.218, 70.95.260(6), 70.95.300, 70.95.305, 70.95.310, 70.95.440. WSR 18-17-008 (Order 13-08), § 173-350-225, filed 8/1/18, effective 9/1/18. Statutory Authority: RCW

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

#### **AMENDATORY SECTION**

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

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

(b) These standards do not apply to:

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

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

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

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

(v) Land application of ~~vermicompost and~~ organic materials  
meeting the terms and conditions for permit exemption [or](#)

permitting requirements of WAC 173-350-225 when a management method in the standards other than a land application permit under ~~this~~ that section is utilized~~used~~; and

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

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

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

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

(5) **Land application - Permit requirements - Documentation.** There are no specific engineering or construction documentation

requirements; however, land application sites must meet the performance standards of WAC 173-350-040.

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

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

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

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

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

(iv) A waste monitoring plan that provides representative characterization of the waste over time;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

accumulation under the same conditions is allowed at the same location after the entire pile has been used; and

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

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

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

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

available upon request by the jurisdictional health department;  
and

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

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

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

(ii) Calendar year covered by the report;

(iii) Annual quantities and types of waste managed;

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

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

(vi) Laboratory test records for all required constituents in subsection (10), and aAny additional waste characterization information required to be obtained as a condition of the permit, and a ~~summary report~~laboratory test records of that data;

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

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

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

(8) **Land application - Permit requirements - Closure.** The owner or operator of all land application sites must notify the jurisdictional health department sixty days in advance of closure. All land application sites must be closed by applying all materials in storage in accordance with the permit, or by

removing those materials to a facility that conforms to the applicable regulations for handling the waste.

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

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

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

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

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

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

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

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

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

(A) Total arsenic;

(B) Total barium;

(C) Total cadmium;

(D) Total chromium;

(E) Total copper;

(F) Total lead;

(G) Total mercury;

(H) Total molybdenum;

(I) Total nickel;

(J) Total selenium;

(K) Total zinc.

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

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

(v) An analysis of physical contaminants demonstrating material contains less than or equal to 0.5 percent physical contaminants by dry weight and less than or equal to 0.1 percent film plastic by dry weight;

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

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

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

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

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

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

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

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

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

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

- (II) The zoning classification of the site;
- (III) The means of access to the site;
- (IV) The size of the site in acres, and if applicable, the size of individual fields, units, and application areas;
- (V) The location and size of any areas which will be used to store the waste;
- (VI) Any portion of the site that falls within a wellhead protection area;
- (VII) Any seasonal or perennial surface water located on the site or perennial surface water bodies within one-quarter mile of the site;
- (VIII) The location of all wells within one-quarter mile of the boundary of the application area whether for domestic, irrigation, or other purposes;
- (IX) Any setback or buffer to surface water, property boundaries, or other feature, if proposed;
- (X) The location of any critical areas or habitat identified under the Endangered Species Act, local growth management plans, habitat conservation plans, conservation reserve program, or local shoreline master program; and

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

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

(b) Two or more areas of land under the same ownership or operational control which are not contiguous may be considered as one site for the purposes of permitting, if in the opinion of the jurisdictional health department the areas are sufficiently proximate and management practices are sufficiently similar that viewing them as one proposal would expedite the permit process without compromising the public interest. A jurisdictional health department may also require separate permits for a contiguous area of land if it finds that the character of a proposed site or management practices across the site are sufficiently different that the permit process and public interest would be best served by a more focused approach.

[Statutory Authority: Chapter 70.95 RCW, and RCW 70.95.060, 70.95.215, 70.95.218, 70.95.260(6), 70.95.300, 70.95.305, 70.95.310, 70.95.440. WSR 18-17-008 (Order 13-08), § 173-350-

230, filed 8/1/18, effective 9/1/18. Statutory Authority:  
Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-230,  
filed 1/10/03, effective 2/10/03.]

AMENDATORY SECTION

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

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

(b) These standards do not apply to:

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

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

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

(2) **Anaerobic digesters - Permit exemptions.** In accordance  
with RCW ~~70.95.305~~70A.205.265, anaerobic digester facilities  
~~processing the types and volumes of materials identified in~~  
~~Table 250-A are subject solely to the requirements of~~ managed in  
accordance with the terms and conditions of Table 250-A and (~~b~~a)

through (g) of this subsection and are exempt from solid waste handling permitting. ~~Feedstocks not listed in Table 250-A must be approved by the department.~~ If a facility does not operate in compliance with the terms and conditions established for an exemption under this subsection, the facility may be subject to the permitting requirements for solid waste handling under this chapter. In addition, ~~violations of the terms and conditions of Table 250-A and (b) of~~ this subsection may be subject to enforcement provisions of RCW ~~70.95.315~~70A.205.280.

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

**Table 250-A**

**Terms and Conditions for Exemptions**

|     | Organic Materials      | Volume                                                                                                                                                    | Specific Requirements for Activity or Operation                                                                                                                                                                                |
|-----|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) | All organic feedstocks | <del>Up to No more than 51,000</del> gallons <u>liquid or semi-solid</u> or <del>1025</del> cubic yards of <u>solid</u> material on-site at any one time. | No notification, reporting or testing requirements.                                                                                                                                                                            |
| (2) | All organic feedstocks | Greater than <del>51,000</del> but no more than <del>505,000</del> gallons of liquid or semi-solid                                                        | For facilities managing more than <del>51,000</del> gallons or <del>1025</del> cubic yards on-site at any one time, <del>and if organic materials are received from or distributed off-site,</del> the owner or operator must: |

|     | Organic Materials                                                                     | Volume                                                                                                                                                                                                       | Specific Requirements for Activity or Operation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                                                                       | <p>material on-site at any one time<del>;</del> or</p> <p>Greater than <del>1025</del> but no more than <del>250</del> cubic yards of <del>nonliquid</del><u>solid</u> material on-site at any one time.</p> | <p>(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department.</p> <p>(b) Facilities that distribute digestate (solids, semi-solids or liquids) off-site must <u>demonstrate physical contaminants are equal to or less than <del>50.5</del> percent by dry weight and <del>40.1</del> percent film plastic by dry weight.</u> <u>and</u> meet the following conditions:</p> <p>(i) Sample and test digestate solids every 5,000 cubic yards or once per year, whichever is more frequent, to demonstrate it meets compost quality standards of WAC 173-350-220(4) (Table 220-B) before it is distributed for off-site use; or</p> <p>(ii) Ensure digestate liquids or nonseparated digestate meets the conditions for a commercial fertilizer as applicable in chapter 15.54 RCW, Fertilizers, minerals, and limes; or</p> <p>(iii) Send digestate to a compliant permitted or conditionally exempt compost facility for further treatment to meet compost quality standards; or</p> <p>(iv) Land apply digestate in accordance with WAC 173-350-230, Land application; or</p> <p>(v) Use digestate in accordance with WAC 173-350-200, Beneficial use permit exemptions; or</p> <p>(vi) Process or manage digestate in an alternate manner approved by the department <del>or the jurisdictional health department;</del> <u>and</u></p> <p>(vii) Submit annual reports and results of digestate analysis <del>(if applicable)</del> to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. <u>The annual report must detail activities during the previous calendar year and must include the following information:</u></p> <p><u>(i) Name and address of the operation;</u><br/> <u>(ii) Calendar year covered by the report;</u><br/> <u>(iii) Annual quantities and types of waste received, digestate produced, and residuals disposed, in tons;</u><br/> <u>(iv) Destination and use of materials; and</u><br/> <u>(v) Any additional information required by the department</u></p> |
| (3) | <del>Livestock manure;</del><br><del>may include</del><br><del>livestock manure</del> | No limits when livestock manure is at least 50 percent of total feedstocks                                                                                                                                   | <u>This exemption applies to dairy digesters regulated under RCW 70A.205.290 only.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Organic Materials                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Volume                                                                                                                                                                 | Specific Requirements for Activity or Operation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><del>that is imported, which means originating off of the farm or site where the anaerobic digester is being operated; and</del><br/> <a href="#">Livestock manure</a><br/> <a href="#">Agricultural wastes</a><br/> <a href="#">Food processing wastes</a></p> <p><del>Organic feedstocks except materials collected from municipal, commercial or residential solid waste collection programs. All imported organic materials must be preconsumer.</del></p> <p><del>If imported organic feedstocks are likely to contain animal by products, they must be previously source separated at a facility licensed to process food by the United States Department of Agriculture, the United States Food and Drug Administration, the Washington state department of agriculture, or other applicable regulatory agency.</del></p> | <p>volume, and <del>imported, nonmanure organic feedstocks</del> <a href="#">food processing wastes</a> are not greater than 30 percent of total feedstock volume.</p> | <p>(a) Thirty days prior to operation, facilities managing imported organic feedstocks must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department.</p> <p>(b) All organic materials must be received and stored in a structure(s) that:</p> <p>(i) Complies with the Natural Resources Conservation Service's Practice Standard Code 313 <del>in effect as of July 26, 2009</del>, or other approved storage construction standard approved by the department or the jurisdictional health department;</p> <p>(ii) Is certified by a representative of the Natural Resources Conservation Service to be effective at protecting surface and groundwater; or</p> <p>(iii) Meets applicable construction industry standards adopted by the American Concrete Institute or the American Institute of Steel Construction in effect as of July 26, 2009; and</p> <p>(iv) Prevents migration of nuisance odors beyond property boundaries and minimizes attraction of flies, rodents, and other vectors.</p> <p>(c) The anaerobic digester must be designed and operated in accordance with standards in the Natural Resources Conservation Service's Conservation Practice Standard, Code 366, in effect as of July 26, 2009.</p> <p>(d) All imported organic feedstocks must be fed into the anaerobic digester within 36 hours <a href="#">or when stored in a tank, may be metered in at an appropriate rate so as not to cause a digester upset</a>.</p> <p>(e) <a href="#">At least quarterly or more often if feedstocks change significantly, the digester must provide nutrient analysis using the standards in WAC 173-350-230(10)(a)(iii)-(iv) to any partner dairies land applying under a nutrient management plan</a></p> <p>(f) Digestate must be managed in accordance with a dairy nutrient management plan under chapter 90.64 RCW, Dairy nutrient management, that includes elements addressing management and use of digestate. <a href="#">All land where digestate is applied must be under the direct control of the dairy with which the plan is associated.</a></p> |

|  | Organic Materials                                                                                                                                                                                                                         | Volume | Specific Requirements for Activity or Operation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | If imported organic feedstocks contain bovine processing waste, they must be derived from animals approved by the United States Department of Agriculture Food Safety and Inspection Service and not contain any specified risk material. |        | <p>Digestate that is managed in accordance with the dairy nutrient management plan under chapter 90.64 RCW, Dairy nutrient management, is no longer a solid waste when those plans include elements addressing management and use of digestate.</p> <p>(g) Facilities that distribute digestate (solids, semi-solids or liquids) off-site <u>including lands not under direct control of the dairy</u> <del>other than</del> under a nutrient management plan must <u>demonstrate physical contaminants are equal to or less than <del>50.5</del> percent by dry weight and <del>40.1</del> percent film plastic by dry weight.</u> and meet the following conditions:</p> <p><del>(i) Digestate must meet compost quality standards of WAC 173-350-220 for pathogens, stability, nutrient testing, metals and other testing before it is distributed for off-site use; or</del></p> <p><del>(h)</del> -Be sent to an off-site permitted compost facility for further treatment to meet compost quality standards; or</p> <p><del>(i)</del> Be processed or managed in an alternate manner approved by the department; and facilities must:</p> <p><del>(h)</del> Submit annual reports and results of digestate analysis <del>(if applicable)</del> to the department, <del>and the jurisdictional health department, and the</del> <u>Washington State Department of Agriculture's Nutrient Management and Technical Assistance program</u> -by April 1st of each calendar year. <del>Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information:</del></p> <p><u>(i) Name and address of the operation;</u><br/> <u>(ii) Calendar year covered by the report;</u><br/> <u>(iii) Annual quantities and types of waste received, digestate produce, and waste disposed, in tons;</u><br/> <u>(iv) Destination and use of materials; and</u><br/> <u>(v) Any additional information required by the department.</u></p> |
|  | Imported organic feedstocks cannot contain sheep carcasses or sheep processing waste.                                                                                                                                                     |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

~~(b) The owner or operator of an anaerobic digester in compliance with all of the conditions of Table 250-A must also~~

~~meet all of the following conditions in order to maintain exempt status:~~

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

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

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

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

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

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

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

(f) Limit physical contamination in incoming feedstocks to no more than two percent by volume.

(g) Exclude feedstocks when necessary to comply with restrictions to prevent spread of animal diseases such as chronic wasting disease

**(3) Anaerobic digesters - Permit requirements - Location.**

There are no specific location standards for anaerobic digesters subject to this chapter; however, anaerobic digesters must meet the performance standards of WAC 173-350-040.

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

**(4) Anaerobic digesters - Permit requirements - Design.**

Anaerobic digester~~s~~ facilities must be designed so that the facility can be operated to meet the performance standards of WAC 173-350-040~~,. The owner or operator of an anaerobic digester facility must:~~

~~(a) Prepare and provide to the jurisdictional health department engineering reports, plans, specifications, and a construction quality assurance plan that address the standards of this subsection. The reports, plans, and specifications must~~

~~be prepared by a professional engineer registered in the state of Washington and must include:~~

~~(i) An engineering report that presents the design basis and calculations for the engineered features of the facility including, but not limited to, pads, impoundments, leachate management features (if applicable), digestate management features, stormwater management features, and anaerobic digester features. The engineering report must demonstrate that the proposed design will meet the performance standards of this chapter;~~

~~(ii) Scale drawings of the facility including the location and size of feedstock storage areas, fixed equipment, buildings, leachate management features (if applicable), digestate management features, stormwater management features, access road and other constructed areas, and buildings integral to facility operation;~~

~~(iii) Design specifications for the engineered features of the facility including, but not limited to, pads, stormwater management features, leachate management features (if applicable), digestate management features, and an anaerobic~~

~~digester design that demonstrates all structures, containers, tanks, and/or surface impoundments will meet the requirements of this section, and of any federal, state, or local water and air quality permits; and~~

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

~~(b) Provide all-weather roads from the public highway to and within the facility when operations require public access. Roads must be designed and maintained to prevent traffic congestion, traffic hazards, dust and noise pollution; and the following design standards:~~

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

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

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

(d) Provide effective means to control litter;

(d) Design system to promote controlled and continuous anaerobic digestion. This requirement is intended to ensure anaerobic digester designers take into account adequate storage for incoming feedstocks to allow for metering in different feedstocks to avoid a digester upset.

(~~ee~~) ~~Design~~Provide waste receiving areas, digesters, digestate management features, stormwater, and leachate management features (if applicable), to prevent contamination of air, soil, surface water, and groundwater. ~~+~~

~~(i) Feedstock, leachate, (if applicable), and digestate receiving and storage areas must either be in tanks or surface impoundments meeting the requirements of this section, or be on pads. to prevent contamination of air, soil, surface water, and groundwater underlying or adjacent to receiving and storage areas~~ Receiving and storage areas must meet the following requirements: ~~+~~

~~(ii) Pads must meet the following requirements:~~

~~(ai) All pads must be curbed or graded in a manner to prevent ponding, control run-on and runoff, and separately~~

~~collect and convey all stormwater and leachate to separate storage or holding systems. Stormwater that is combined with leachate must be treated as leachate in accordance with this section;~~

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

~~(C) The entire surface area of the pad must be designed to maintain its structural and hydraulic integrity against loads resulting from feedstock and digestate storage, machinery used for feedstock handling, and against surface wear or damage caused by feedstock and digestate handling and storage;~~

~~(D) The pad may~~ be constructed of materials such as concrete (with sealed joints) or asphaltic concrete that prevents subsurface soil and groundwater contamination~~7~~. The surface must be durable enough to withstand the composting process, weight of materials, and equipment. Pads must be curbed or graded to prevent ponding. ~~—and~~

~~(E) The jurisdictional health department may allow pads to be designed and constructed with materials other than those listed in (c)(ii)(D) of this subsection,~~ approve other types of surfaces if the applicant demonstrates that it will prevent soil and groundwater contamination~~in the engineering report to the jurisdictional health department's satisfaction that the alternative pad provides sufficient protection to meet the performance standards of this section and of WAC 173-350-040.~~

~~(iii)~~ ii) The anaerobic digester design must comply with one of the following three conditions:

(A) Design criteria in the Natural Resources Conservation Service's Washington Conservation Practice Standard, Anaerobic Digester Code 366 ~~in effect October 2010,~~ or other effective date as specified by the department; or

(B) Surface impoundment and tank design standards, WAC 173-350-330(4); or

(C) Other engineered design that the owner or operator can demonstrate meets the performance standards of WAC 173-350-040 to the jurisdictional health department's and the department's

satisfaction. Written consent from the jurisdictional health department and the department constitutes approval.

(iv) Stormwater management features must divert stormwater from feedstock receiving and storage areas, and from digestate collection and storage areas. Features may include, but are not limited to, run-on prevention systems, berms, roofs, diversion swales, ditches, and other features~~+~~. Features must provide for stormwater runoff collection and discharge from a twenty-five-year storm;

~~(v) Leachate management features may include, but are not limited to, runoff prevention systems, leachate collection, conveyance, storage structures, and treatment systems;~~

~~(vii) Leachate (if applicable) must be contained or collected. Any discharges to ground that result in contaminants migrating to groundwater require a waste discharge permit under chapter 90.48 RCW, Water pollution control, prior to discharge. Discharges to ground that result in degradation of groundwater quality are prohibited under chapter 90.48 RCW, Water pollution control. Any discharge to sanitary sewer requires additional permitting by the local delegated authority or department; and~~

conveyed to a surface impoundment, tank, or sanitary sewer to prevent uncontrolled discharges;

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

(A) Leachate Ponds must meet Natural Resources Conservation Service Standard for a waste storage facility in the ~~2001~~ *Washington Field Office Technical Guide 313* ~~(revised June 2011)~~; or

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

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

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

~~(C) The jurisdictional health department may approve the use of an alternative liner design if the owner or operator can demonstrate during the permitting process that the proposed design will prevent migration of solid waste constituents or leachate into the ground or surface waters at least as effectively as the liners described in this subsection; or~~

~~(D) Tanks used to store leachate or digestate liquid must meet design standards in WAC 173-350-330 (4) (b).~~

(viii) Leachate ponds and digestate liquid storage that have the potential to impound more than 10-acre feet (three million two hundred fifty-nine thousand gallons) of liquid measured from the top of the dike and that would be released by a failure of the containment dike must be reviewed and approved by the ~~department's~~ dam safety section of the department.

(D) Tanks used to store leachate or digestate liquid must meet design standards in WAC 173-350-330.

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

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

**(5) Anaerobic digesters - Permit requirements -**

**Documentation.** ~~Facilities must not start operation until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report, plans, and specifications and has approved the construction documentation in writing and issued a permit. Within thirty days of completing construction, the owner or operator of an anaerobic digestion facility must provide the~~

~~following materials to the jurisdictional health department and the department:~~

~~(a) Copies of the construction record drawing for engineered features at the facility; and~~

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

(a) The owner or operator must submit facility drawings and construction documents for, at a minimum, any proposed addition or modification of elements described in subsection (4) of this section to the jurisdictional health department for review and approval. The facility drawings and construction documents for proposed construction of engineered features must be prepared by a professional engineer registered in the state of Washington, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features. The engineering report must demonstrate that the proposed design will meet the performance standards of WAC 173-350-040;

(ii) Scale drawing of the facility including the location and size of waste handling areas, fixed equipment, buildings, stormwater management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation;

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

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

(b) The owner or operator must provide copies of the construction record drawings for engineered features at the facility and a report documenting facility construction, including the results of observations and any testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. The owner or operator must not commence operation in a newly constructed portion of the facility until the jurisdictional health

department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

**(6) Anaerobic digesters - Permit requirements - Operating.**

The owner or operator of an anaerobic digester must:

(a) ~~o~~Operate the site in compliance with the performance standards of WAC 173-350-040 ~~or Natural Resource Conservation Service Practice Standard Code 366 as applicable, and:~~ and this subsection. In addition the owner or operator must develop, keep, and follow a plan operation approved as part of the permitting process. The plan of operation must be available for inspection at the request of the jurisdictional health department. If necessary, the plan must be modified with the approval, or at the direction of the jurisdictional health department. The plan must be available in languages that employees can read. Each plan of operation must include the following:

(i) A description of the types of waste materials to be handled at the facility. Feedstocks must be approved by the jurisdictional health department;

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

(iii) A description of procedures and criteria for ensuring that only the feedstocks described will be accepted. This includes a plan for rejecting feedstocks contaminated with greater than two percent physical contaminants by volume. Management of rejected feedstocks are the responsibility of the entity in possession of the contaminated organic materials at the time of delivery per WAC 173-350-025, and the anaerobic digester facility is not considered to have taken ownership of loads until they have been inspected, even if materials were tipped at the facility in order to inspect.

(iv) A description of how materials are to be handled on-site, including feedstock receiving, anaerobic digestion, digestate storage, gas management, and procedures reduce physical contaminants; and

(v) A description of end use or uses for digestate. Prior to distribution, digestate must be tested every 50,000 gallons of liquid or semi-solid material or 5,000 cubic yards of solid material to demonstrate it contains equal to or less than ~~.5~~0.5 percent physical contaminants by dry weight, and ~~.1~~0.1 percent film plastic by dry weight. An accredited laboratory must be used for all analysis. Additionally, operators may:

(A) Test representative samples of material every 5,000 cubic yards using the analysis of the land application standards in WAC 173-350-230(10)(a)(iii)-(v). An accredited laboratory must be used for all analysis. An alternate testing frequency may be required or approved by the jurisdictional health department; or

(B) Ensure material meets the conditions for a commercial fertilizer as applicable in chapter 15.54 RCW, Fertilizers, minerals, and limes; or

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

(D) Land apply material in accordance with WAC 173-350-230, Land application; or

(E) Use material in accordance with WAC 173-350-200, Beneficial use permit exemption; or

(F) Use material as animal bedding; or

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

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

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

~~(iA) Control air contaminants, such as litter, dust and nuisance odors, to prevent these and other contaminants from migrating beyond property boundaries;~~

~~(iiB) Prevent the attraction of~~Control rodents, insects, birds, and other vectors;

(C) Ensure that handling of waste capable of attracting birds does not pose an aircraft safety hazard including compliance with federal aviation administration requirements.

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

~~(iv) Confine organic materials prior to and after processing to specifically designated areas, meeting the applicable standards of this section;~~

~~(v) Ensure that dangerous waste is not accepted, treated, or stored;~~

(~~v~~iD) Ensure the facility operates under the supervision and control of a properly trained individual during hours of operation when facility staffing is required;

(~~v~~iE) Ensure facility employees are trained in appropriate facility operations, maintenance procedures, and safety and emergency procedures according to individual job duties ~~and according to an approved plan of operation;~~ Operator training to include required reading of the approved plan of operation; and

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

(~~b~~vii) A description of how operators will ~~i~~nspect the facility to prevent malfunctions and deterioration, operator

errors, and discharges that may lead to the release of wastes to the environment or cause a threat to human health, including the inspection form operators will use. ~~The owner or operator must conduct these i~~Inspections must be conducted as needed, but at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. For anaerobic digester facilities with leachate or digestate holding ponds, conduct regular liner inspections no less frequently than every five years. The frequency and methods of inspections must be specified in the operations plan and must be based on the type of liner, expected service life of the material, and the site-specific service conditions:

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

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

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

~~(i) Process monitoring data as described in the plan of operation;~~

~~(ii) The quantity in gallons or cubic yards, and types of feedstocks received;~~

~~(iii) Results of analysis for digestate that is sold or distributed, according to subsection (5) (c) of this section; and~~

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

~~(d) Prepare and submit an annual report to the jurisdictional health department and the department by April 1st of each calendar year for activities during the previous calendar year. Annual reports must be submitted on forms provided by the department and must include:~~

~~(i) Annual quantity and type of feedstocks received;~~

~~(ii) Annual quantity of digestate distributed if applicable;~~

~~(iii) Annual summary of digestate analysis as applicable, if digestate is distributed off-site; and~~

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

~~(c) If distributing digestate (solids, semi-solids, or liquids) off-site, produce and manage the product so that it does not harm human health or the environment; and:~~

~~(i) Test representative samples of digestate solids every 5,000 cubic yards to demonstrate it meets compost quality standards in WAC 173-350-220(6) (Table 220-B). An alternate testing frequency may be required or approved by the jurisdictional health department; or~~

~~(ii) Ensure digestate meets the conditions for a commercial fertilizer as applicable in chapter 15.54 RCW, Fertilizers, minerals, and limes; or~~

~~(iii) (i) Send digestate to a permitted compost facility for further processing; or~~

~~(iv) (ii) Land apply digestate in accordance with WAC 173-350-230, Land application; or~~

~~(v) Use digestate in accordance with WAC 173-350-200, Beneficial use permit exemption; or~~

~~(vi) Apply digestate on agricultural lands at agronomic rates in accordance with a dairy nutrient management plan or a nutrient management plan; or~~

~~(vii) (iii) Manage digestate in an alternate manner as approved by the jurisdictional health department and the department.~~

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

~~(i) A description of the types of feedstocks to be handled at the facility. Feedstocks must be approved by the department or jurisdictional health department;~~

~~(ii) Procedures for ensuring that only feedstocks described will be accepted;~~

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

~~(iv) A plan for processing digestate to meet the requirements of (c) of this subsection, if distributing digestate off-site;~~

~~(v) A nutrient management plan for agricultural lands and farm lands (as described in RCW 84.34.020) if using digestate on-site;~~

~~(vi) A description of how facility staff will be appropriately trained;~~

~~(vii) A calculation of monthly processing capacity based on maximum volume (cubic yards or gallons) of all materials on-site at any one time. All materials on-site include feedstocks, digesting materials and digestate;~~

~~(viii) A material flow plan describing general procedures to manage all materials on-site. All materials on-site include incoming feedstock, digesting materials, and digestate;~~

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

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

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

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

~~(x) A description of how equipment, structures, and other systems will be inspected and maintained, including frequency of inspection and inspection logs. This description must include, but is not limited to:~~

~~(A) The groundwater monitoring system, if required;~~

(B) The overfilling prevention equipment, including details of filling and emptying techniques; and

(C) The liners of surface impoundments and tanks, tank piping, and secondary containment, as applicable.

(xi) Safety, ~~fire~~, and emergency plans including a spill prevention/response plan;

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

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

(d) Prepare and submit an annual report to the jurisdictional health department and the department by April 1st of each calendar year for activities during the previous calendar year. Annual reports must be submitted on forms provided by the department and must include:

(i) Annual quantity and type of feedstocks received, and waste disposed;

(ii) Annual quantity and destination of digestate distributed;

(iii) Annual summary of digestate analysis;

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

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

**(8) Anaerobic digesters - Permit requirements - Closure.**

The owner or operator of an anaerobic digester facility must ~~÷~~

~~(a) Develop, keep, and follow a closure plan that includes: approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan must include removing all organic materials, including digestate, from the facility. For planning purposes, assume the facility is at full permitted site capacity when it is closed; and~~

~~(b) Notify~~ Notification to the jurisdictional health department sixty days in advance of closure. ~~At closure, the facility is financially responsible for the~~

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

(c) Methods of removing waste.

**(9) Anaerobic digesters - Permit requirements - Financial assurance.** There are no specific financial assurance

requirements for anaerobic digestion facilities subject to this chapter; however, anaerobic digestion facilities must meet the performance standards of WAC 173-350-040.

(10) **Anaerobic digesters - Permit requirements - Permit application contents.** The owner or operator of an anaerobic digestion facility not exempt under subsection (2) of this section must obtain a solid waste permit from the jurisdictional health department. All applications for permits must be in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each permit application must contain:

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

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

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

[Statutory Authority: Chapter 70.95 RCW, and RCW 70.95.060, 70.95.215, 70.95.218, 70.95.260(6), 70.95.300, 70.95.305, 70.95.310, 70.95.440. WSR 18-17-008 (Order 13-08), § 173-350-

250, filed 8/1/18, effective 9/1/18. Statutory Authority: RCW 70.95.020(3), 70.95.060(1), 70.95.260(6), 70.95.305, 70.95.330. WSR 13-08-016 (Order 10-06), § 173-350-250, filed 3/25/13, effective 4/25/13.]

AMENDATORY SECTION

**WAC 173-350-320 Piles used for storage or treatment. (1)**

**Piles used for storage or treatment - Applicability.**

(a) These standards apply to the outdoor storage or treatment of solid waste in piles.

(b) These standards do not apply to:

(i) Piles of recyclable materials and other solid wastes stored indoors at recycling or material recovery facilities subject to WAC 173-350-210;

(ii) Piles located at composting facilities subject to WAC 173-350-220 that are an integral part of the facility's operation;

(iii) Piles to be land applied subject to WAC 173-350-230;

(iv) Piles at other organic material handling facilities subject to WAC 173-350-225;

~~(iv)~~ (v) Piles located at anaerobic digester sites subject to WAC 173-350-250;

(v*i*) Piles of solid waste at transfer stations subject to design standards for tip floors in WAC 173-350-310;

(vi) Indoor storage of piles of contaminated soil or contaminated dredged material subject to WAC 173-350-310;

(vii) Piles of waste tires subject to WAC 173-350-350; and

(viii) Piles of contaminated soil or contaminated dredged materials stored and treated indoors subject to WAC 173-350-490.

**(2) Piles used for storage or treatment - Permit**

**exemptions.** In accordance with RCW ~~70.95.305~~[70A.205.265](#), facilities managing solid wastes in piles meeting the conditions listed in Table 320-A and the conditions of (a) of this subsection are exempt from solid waste handling permitting. If a facility does not operate in compliance with the terms and conditions established for an exemption under this subsection, the facility may be subject to the permitting requirements for solid waste handling under this chapter. In addition, violations of the terms and conditions of this subsection may be subject to the enforcement provisions of RCW ~~70.95.315~~[70A.205.280](#).

**Table 320-A**

**Terms and Conditions for Solid Waste Permit Exemptions**

|                    | Waste Materials                                                                                                                                          | Volume, Storage Time, and Capacity Requirements                                                                                                                                                                                                                                                                                  | Specific Requirements for Activity or Operation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)                | <u>Clean</u> <del>W</del> wood waste, <u>low-grade</u> wood- <del>derived fuel</del> , nonferrous metals, brick, cured concrete, or asphaltic materials. | Up to 250 cubic yards of total material on-site <u>at any one time</u> . <u>Total material is the sum of the volume of all waste materials allowed under this exemption, not up to 250 cy of each waste material.</u><br><br>No storage time limit.                                                                              | No notification or reporting requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| (2)                | Agricultural waste <del>and on farm vegetative wastes stored</del> on farms.                                                                             | No volume limit.<br><br>The duration of storage of the entire pile(s) is limited to one year and limited to the amount that will be applied to a <del>site</del> <u>farm</u> during a one-year period. Subsequent accumulation under the same conditions is allowed at the same location after the entire pile(s) has been used. | No notification or reporting requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| (3)                | <u>Yard debris</u><br><u>Land clearing debris</u>                                                                                                        | <u>Up to 30 cubic yards on-site at any one time. All material must be removed from the site and transferred to an organic materials management facility at least every four calendar days.</u><br>_____                                                                                                                          | <u>Exemption applies to yard debris and land clearing debris drop off locations.</u><br><u>(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department and must be complete;</u><br><u>(b) Maintain records on the volume of wastes received, processed, and moved off-site, including dates of complete removal from site for five years; and</u><br><u>(c) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information:</u><br><u>(i) Name and address of the facility;</u><br><u>(ii) Calendar year covered by the report;</u><br><u>(iii) Annual quantities and types of solid waste handled by the facility, including amounts received, amounts removed and destination and frequency of complete removal from site; and</u><br><u>(iv) Any additional information required by the department.</u> |
| <del>(3)</del> (4) | <u>Clean</u> <del>W</del> wood waste, <u>low-grade</u> wood- <del>derived fuel</del>                                                                     | Over 250 cubic yards up to 2,000 cubic yards total material on-site <u>at any one time</u> . <u>Total material is the sum of the</u>                                                                                                                                                                                             | <u>(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|                    | Waste Materials                                                                                                                         | Volume, Storage Time, and Capacity Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Specific Requirements for Activity or Operation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                    | and nonferrous metals.                                                                                                                  | <p><a href="#">volume of all waste materials allowed under this exemption, not up to 2,000 cy of each waste material.</a></p> <p>At the end of each calendar year, the facility must have removed at least fifty percent of the sum of the volume of all waste present at the start of the calendar year and of the volume of all waste accepted during the calendar year.</p> <p>For example: A facility begins the calendar year with 300 CY of wood waste on-site <del>hand</del>. The facility accepts 400 CY during the calendar year. In order to meet this exemption requirement, at least <math>0.5 \times (300 + 400) = 350</math> CY must be removed from the facility by the end of the calendar year, leaving no more than 350 CY on-site <del>hand</del>.</p> | <p>department. Notice of intent must be submitted on a form provided by the department and must be complete;</p> <p>(b) Maintain records on the volume of wastes received, processed, and moved off-site for five years; and</p> <p>(c) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information:</p> <p>(i) Name and address of the facility;</p> <p>(ii) Calendar year covered by the report;</p> <p>(iii) Annual quantities and types of solid waste handled by the facility, including amounts received, amounts removed and where it went, and the amount of waste remaining at the facility at year's end, in cubic yards; and</p> <p>(iv) Any additional information required by the department.</p> |
| <del>(4)</del> (5) | Brick, cured concrete, or asphaltic material facilities with a water quality sand and gravel or construction stormwater general permit. | Over 250 cubic yards; no upper volume limit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Facilities that recycle these wastes must comply with the recycling standards in WAC 173-350-210, including notification and reporting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <del>(5)</del> (6) | Temporary piles of contaminated soils and contaminated dredged material.                                                                | <p>No volume limit.</p> <p>All contaminated soils and contaminated dredged materials <del>are</del><a href="#">must be</a> removed from the site within ninety days. If new materials are placed on-site at any time after ninety days has elapsed from the first delivery, a permit is required.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | No notification or reporting requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <del>(6)</del> (7) | Temporary piles of contaminated soils and contaminated dredged material with a construction                                             | No volume limit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | No notification or reporting requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

|  | Waste Materials            | Volume, Storage Time, and Capacity Requirements | Specific Requirements for Activity or Operation |
|--|----------------------------|-------------------------------------------------|-------------------------------------------------|
|  | stormwater general permit. |                                                 |                                                 |

(a) Management of waste in piles identified in Table 320-A must meet the following terms and conditions to maintain their exempt status:

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

(ii) Manage the operation to prevent litter, ~~fugitive dust,~~  
~~and nuisance odors~~ ~~and the attraction of vectors~~;

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

(iv) Ensure organic materials destined for management at an organic materials management facility contains less than two percent physical contamination by volume; and

~~(iii)~~y Allow the department or jurisdictional health department to inspect the site at reasonable times.

(3) **Piles used for storage or treatment - Permit requirements - Location.** There are no specific location standards for piles subject to this chapter; however, waste piles must meet the performance standards of WAC 173-350-040.

**(4) Piles used for storage or treatment - Permit**

**requirements - Design.** Piles used for storage or treatment of solid waste must be designed so that the facility can be operated to meet the performance standards of WAC 173-350-040, and the following design standards:

(a) The maximum waste capacity, elevation and boundaries of the waste pile must be provided. All piles used for storage or treatment regulated under this section must be designed and constructed to meet the following requirements:

(i) Control public access to prevent illegal dumping and unauthorized access to the facility;

(ii) Comply with the international fire code as implemented through the local fire control agency;

(iii) Control vectors; and

(iv) Provide all-weather surfaces for vehicles.

(b) In addition to the requirements of (a) of this subsection, the owner or operator of piles of putrescible waste, contaminated soils or contaminated dredged material or waste determined by the jurisdictional health department to likely produce leachate posing a threat to human health or the

environment must prepare engineering reports/plans and specifications of the surface on which the pile(s) will be placed. This must include an analysis of the surface under the stresses expected during operations, and the design of the surface water management systems including run-on prevention and runoff conveyance, storage, and treatment. The facility must be designed and constructed to:

(i) Place waste on an impervious surface, such as concrete or asphaltic concrete, to prevent soil and groundwater contamination. The surface must be durable enough to withstand material handling practices. The jurisdictional health department may at the time of permitting:

(A) Approve other types of surfaces if the applicant can demonstrate that the proposed surface will prevent soil and groundwater contamination; and

(B) Waive the impervious surface requirement if the applicant can demonstrate how soil and groundwater will be protected by other design features.

(ii) Control run-on and runoff from a twenty-five-year storm.

**(5) Piles used for storage or treatment – Permit requirements – Documentation.**

(a) The owner or operator must submit construction documents for any proposed addition or modification of elements described in subsection (4) of this section to the jurisdictional health department for review and approval. The construction documents for proposed construction of engineered features addressed in subsection (4)(b) of this section must be prepared by a professional engineer registered in the state of Washington, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features of any impervious surface, such as concrete, asphaltic concrete, or other proposed surface; stormwater management features; and emission control features as required by the permitting air authority where applicable. The engineering report must demonstrate that the proposed design will meet the performance standards of this chapter;

(ii) Scale drawings of the facility including the location and size of waste handling areas, fixed equipment, buildings,

stormwater management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation;

(iii) Design specifications for the engineered features of the facility including any impervious or other proposed surface, run-on/runoff controls, stormwater management features, and aeration and emission management features as required by a permitting air authority where applicable; and

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

(b) The owner or operator must provide copies of the construction record drawings for engineered features at the facility and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. The owner or operator must not commence operation in a newly constructed portion of the facility until the jurisdictional health

department has determined that the construction was completed in accordance with the approved engineering reports/plans and specifications and has approved the construction documentation in writing.

(6) **Piles used for storage or treatment - Permit requirements - Operating.** The owner or operator of piles used for storage or treatment must:

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

(i) A description of the types of waste materials to be handled at the facility;

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

(iii) A description of how waste materials are to be handled on-site, including recycling or recovery, storage, maximum site capacity, methods of adding or removing waste materials from the facility and equipment used, and how operators will ensure adequate dumping capacity at all times;

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

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

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

(C) Control access to the pile; and

(D) Ensure that waste piles capable of attracting birds do not pose an aircraft safety hazard.

(v) A description of how operators will inspect and maintain the facility to prevent malfunctions, deterioration, operator errors and discharges that may cause or lead to the release of wastes to the environment or a threat to human health. Inspections must include the surface on which the piles

are placed, and the leachate and stormwater control systems. Inspections must be as needed, but at least weekly, to ensure the facility is meeting the operational standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

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

(vii) Safety and emergency plans;

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

(ix) If storing or treating contaminated soils or contaminated dredged materials each plan of operation must also include the following:

(A) Ensure that all soils and dredged materials are sufficiently characterized:

(I) Prior to storage or treatment so that contaminants not identified, or are at concentrations greater than those listed in the approved plan of operation are not accepted or handled at the facility; and

(II) Prior to removal to an off-site location so that all soils and dredged material that are not clean soils or clean dredged materials are delivered to a facility that meets the requirements of chapter ~~70.95~~[70A.205](#) RCW, Solid waste management—Reduction and recycling;

(B) Maintain operating records that identify the source of contaminated soils and contaminated dredged material received at the facility, contaminants and concentrations contained, and any

documentation used to characterize soils and dredged materials. Records must contain end uses, including the location of final placement, for any soils or dredged materials removed from the facility that contain residual contaminants;

(C) A description of contaminants and concentrations in soils and dredged materials that will be handled at the facility;

(D) A sampling and analysis plan and other procedures used to characterize soils and dredged materials; and

(E) Forms used to record the source of contaminated soils or contaminated dredged materials, contaminant concentration and other documentation used to characterize soils and dredged materials, and end uses and the location of final placement for any soils or dredged materials removed from the facility that contain residual contaminants.

(x) Treatment of contaminated soils and contaminated dredged materials must be performed using a process that reduces or eliminates contaminants and harmful characteristics. Contaminated soils and contaminated dredged materials must not

be diluted to meet treatment goals or as a substitute for disposal, except for incidental dilution of minor contaminants.

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

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantities and types of solid waste handled by the facility, including amounts received, amounts removed and the amount of waste remaining at the facility at year's end, in tons or cubic yards;

(iv) Destination of waste material transported from the facility for processing or disposal; and

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

(7) **Piles used for storage or treatment - Permit requirements - Groundwater monitoring.** There are no specific groundwater monitoring requirements for piles used for storage

and treatment subject to this chapter; however, waste piles must meet the performance standards of WAC 173-350-040.

(8) **Piles used for storage or treatment - Permit requirements - Closure.** The owner or operator of piles used for storage or treatment must develop, keep, and follow a closure plan that addresses:

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

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

(c) Methods for removing the waste.

(9) **Piles used for storage or treatment - Permit requirements - Financial assurance.** There are no specific financial assurance requirements for piles used for storage or treatment subject to this chapter; however, waste piles must meet the performance standards of WAC 173-350-040.

(10) **Piles used for storage or treatment - Permit application contents.** The owner or operator of piles used for storage or treatment must obtain a permit from the jurisdictional health department. All applications for permits

must be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit must contain:

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

(b) A construction quality assurance plan that addresses the requirements of subsection (5) of this section;

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

(d) A closure plan meeting the requirements of subsection (8) of this section.

[Statutory Authority: Chapter 70.95 RCW, and RCW 70.95.060, 70.95.215, 70.95.218, 70.95.260(6), 70.95.300, 70.95.305, 70.95.310, 70.95.440. WSR 18-17-008 (Order 13-08), § 173-350-320, filed 8/1/18, effective 9/1/18. Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-320, filed 1/10/03, effective 2/10/03.]