



DEPARTMENT OF
ECOLOGY
State of Washington

Solid Waste Handling Standards Rule

CHAPTER 173-350 WAC



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Effective Dates & Implementation

Effective dates for meeting standards

- ▶ New solid waste units, standards apply right away
- ▶ Existing units
 - New operating, monitoring, closure and post-closure planning, and financial assurance standards within 18 months of Sept 1, 2018
 - Changes to design with 24 months of Sept 1, 2018
- ▶ Eligible for conditional permit exemption - meet any new conditions within 12 months
- ▶ Previously unregulated now in need of permit (piles, commingled MRFs/Recyclers), submit complete permit application within 12 months

Facilities unable to meet new standards will need to close, or obtain variances if an option

Implementation

- ▶ 4 regional workshops for Jurisdictional Health Agencies in October
- ▶ 1 webinar for facilities and other interested parties November 2nd
- ▶ Regional Ecology facilities staff will meet with jurisdictions and facilities as needed on specific needs for affected facilities within each county

Updating forms, work in progress:

- Permit Application
- Permit Template
- Permit Deferral
- Notifications of Conditional Exemption
- Annual Reports



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Applicability

The Applicability section excludes many materials or handling activities from rule as “not” solid waste handling:

- Expanded exclusion for agronomic application of manure and crop residue – more detail later
- For better clarity, reworded dredged material management covered by federal water quality laws
- Added many exclusions, mostly to codify common practice:
 - Reuse activities – second hand stores, auto recyclers selling parts
 - Registered commercial fertilizers
 - Manufactured topsoil composed only of clean soil/dredged material, compost, woodwaste, and other commercial products
 - Engineered soil used elsewhere for same engineering properties...

New exclusions cont'd:

Added exclusions cont'd:

- Contaminated soil picked up and put back
- Steel slag from electric-arc steelmaking
- Use of organic material as animal feed or to make animal feed
- Mgmt of routine livestock mortalities
- Mgmt of non-livestock mortalities – road kill
- Limited research and development activities
- Drug take-back programs



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Determination of Solid Waste - New Section

Solid Waste under the old rule

- ▶ Relied primarily on two statutory definitions:

"Solid waste" 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, and recyclable materials.

"Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

The Determination of Solid Waste - a new tool -



- ▶ Creates a framework for consistent decision-making
- ▶ Clarifies when a material qualifies as solid waste
- ▶ Can be used by generators, facility operators and health departments

How do you use the new tool?



The DSW tool is meant to be used in the framework of the rule as a whole, not in isolation.

Use the whole rule

Does the material fall out of the rule under applicability?

Is the material one of the three listed in -021 (1)a-c?

Did the material ever become a waste under subsection (2)?

If it was a waste, is it no longer a waste under subsection (3)?

Any materials that are recycled or salvaged can become a solid waste again if discarded or otherwise handed in a way that fails the criteria in (2) or (3).

(2) A material is a solid waste if it meets any of the criteria in (a) through (f) of this subsection:

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

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

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

(d) The material has been received at a solid waste handling facility for recycling, incineration, disposal, or beneficial use as those terms are defined in WAC 173-350-100;

(2) continued



(e) The generator has paid for or will need to pay for removal or processing of the material for recycling, incineration, disposal, or beneficial use as those terms are defined in WAC 173-350-100; or

(f) The material has been stockpiled for recycling, reuse, or use after recycling, but no market is available and stockpiles provide vector attraction or harborage, or release pollutants into the environment in violation of other human health or environmental rules and regulations.

(3) A material that met any of the criteria in subsection (2) of this section is no longer a solid waste if it meets all of the criteria in (a) through (f) of this subsection:

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

(b) The material has been separated from solid wastes;

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

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

(3) continued

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

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



(4) If a material does not meet all of the criteria of subsection (3) of this section, the person in possession of the material is still considered to be handling solid waste and is required to obtain a permit from the jurisdictional health department, or meet the requirements of a conditional permit exemption under the applicable section(s) of this chapter, or manage the material in accordance with the provisions of WAC 173-350-200 Beneficial use permit exemptions. In an action to enforce the requirements of this chapter, the generator or person in possession of the material must demonstrate that the material is no longer a solid waste.

How can JHDs use this tool?

- ▶ Assessing if a facility needs to apply for a permit or notify as an exempt facility
- ▶ Enforcing on speculative accumulation
- ▶ Compelling the generator or person in possession of the material to carry the burden of proof in conflicts
- ▶ Directing generators to this tool to help them understand why they are regulated and reduce conflict before it starts





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Definitions Related to Waste Determination and Recycling

Definitions

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

Definitions continued

- ▶ "Processing capacity" means the amount of incoming materials in tons or cubic yards that a solid waste facility can process in a given amount of time, such as 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.
- ▶ "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.
- ▶ "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.

Definitions continued

- ▶ "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.
- ▶ "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.

Take-aways

Recycling now includes making commodities

Not all or necessarily even most recyclable materials will meet the tight definition of 'commodity'

'Capacity' is now 'site capacity'

'Throughput' is now 'processing capacity'

'Reuse' is very limited to the original use for the object (think Goodwill) and is not the same as 'beneficial use'

'Wood waste' does not include hog fuel as hog fuel is a recycled product





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Beneficial Use Permit Exemptions - BUD -

- Amended definition of “beneficial use” to list soil amendments and limited it to only activities approved under BUD or Land App
- Provided clarity that BUD:
 - Is not means to avoid permit or notice for solid waste facilities
 - Is not applicable to alternative daily cover (ADC)
 - Is not applicable for fill, unless meeting engineering specs as confirmed by professional engineer
- Require proof that a material provides benefit claimed
- Intermediate storage may be approved for alternatives to other rule sections
- For soil amendments, more detail required for nutrients, pathogens, and contaminants
- Adds WSDA as review authority for BUD applications per RCW 70.95



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Recycling & Material Recovery Facilities

Primary changes under the new rule

- ▶ Combined and aligned both standards under one section – WAC 173-350-210
- ▶ Provided three exemption options
- ▶ Changed exemption criteria to require most comingled facilities to have a permit
- ▶ Required tipping buildings and other design and operations requirements for permitted facilities



Exemption categories – Table 210-A



- ▶ Cured concrete or wood waste at point of generation
 - ▶ Meet performance standards
 - ▶ Use back on site
- ▶ Comingled brick, cured, concrete, or asphaltic materials
 - ▶ Recycle 50%
 - ▶ Notify
 - ▶ Report
- ▶ Source-separated recyclable materials
 - ▶ 5% residual
 - ▶ Recycle 50%, notify, and report

Confusion over source-separated vs individual streams vs comingled



- ▶ All MRFs only take source separated materials
- ▶ "**Source separation**" means the separation of different kinds of solid waste at the place where the waste originates. – ***This includes comingled recyclable materials*** separated from MSW or other waste
- ▶ Only source separated material in **individual streams** are eligible for exemption 3.

Permitting requirements

- ▶ Covered tipping building
- ▶ Impervious floor
- ▶ Leachate collection and conveyance
- ▶ All-weather driving surfaces
- ▶ Construction and engineering docs
- ▶ Detailed plan of ops
- ▶ Litter, dust, odor and vector control
- ▶ Records – inspections, materials
- ▶ Safety and emergency plans

How these changes help you

- ▶ No more arguing if the facility is a recycler or MRF
- ▶ Complex comingled facilities, which need regular oversight, will be permitted
- ▶ Legitimate recyclers which manufacture new products will either fall out under 021 or still have exemptions available
- ▶ Standards for design and operations are clear

Remember: Some facilities that meet exemption criteria under 210 may also be storing outdoors in piles and will trigger permitting under those standards



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Land Application

No substantial changes to Land App section.

In Applicability [-020(2)(d)], expanded exclusion for agronomic land app of manure / crop residue:

- ▶ Added bedding to exclusion
- ▶ Added “on-farm vegetative waste” to exclusion

New term - plant-based wastes produced on-farm from the raising, growing, or processing of plants and animals. Allows agronomic application of any vegetative waste produced on a farm to be applied on that farm without permit.

Examples: mint slugs when processing of mint to extract oil occurs at the farm growing mint / grape pomace when the processing of grapes into wine occurs at the vineyard growing grapes / bad hay/feed

- ▶ Altered definition of “manure and bedding”:
 - ▶ Now include wash water from cleanup of manure and bedding
 - ▶ Clarified that manure is *livestock* or *zoo animal* manure – not dog poo
 - ▶ Removed limitation to only *herbivorous* animals





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Transfer Stations & Drop Box Facilities

Primary changes under the new rule



- ▶ Removed MRF standards
- ▶ Moved exemption for drop boxes for recyclable materials from 020 to Table 310-A
- ▶ Clarified that tip floors must be covered, not just protective of precipitation
- ▶ Expanded leachate management to ancillary areas likely to collect leachate
- ▶ Clarified what documents need engineering stamps
- ▶ Provided more detail as to what must be described in a plan of operations



Take-away...not much has changed!



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Definitions Related to Transfer Stations and Drop Boxes

Definitions

- ▶ "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.
- ▶ "Tip floor" or "tipping floor" means the receiving area for incoming waste at a transfer station, material recovery facility, or recycling facility 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.

Take-aways

- ▶ Drop box facilities need not be only for the public – route vehicle use is an option
- ▶ Tipping into a drop box does not create a tip floor
- ▶ Transfer stations need not handling MSW – they could specialize in contaminated soils or other specific waste streams

Solid Waste In Outdoor Piles



Applicability:

Permanent (on-going) piles sites require permitting.



Does not apply to...

- Land applied piles
- Anaerobic digesters
- Composting
- Piles stored indoors (outside piles at other SW facilities must meet piles standards)



New Exemptions

- Temporary piles of contaminated soil and dredged materials – if removed in 90 days/with a construction stormwater general permit
- Non-ferrous metals
- Brick, cured concrete, and asphaltic materials with sand and gravel or construction stormwater water quality



Wood waste and wood derived fuel

Remove at least 50%
All waste at start of calendar year
+
All waste accepted during calendar year



Non-ferrous metals



Asphalt Roofing Shingles

- No exemption under piles
- Possible exemption under Table 210-A(3)



Other changes:

- Structure of piles section
- Sealed surface permitting requirements



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Contaminated Soil and Dredged Material



Old Rule

Clear on only contaminated soil from cleanup sites and dangerous waste facilities



Contaminated
Dredged
Materials

Tied to
standards for
open water
disposal

May not be
safe for upland
locations

Revised Rule



Changes to definitions – clean/contaminated

All soils and dredged materials impacted by
release of contaminant,
moved from one location to another,
onto the ground



Must meet state cleanup and pH standards for the location where materials are going on the ground

If can't find such a location, must manage as solid waste at a facility permitted to manage such materials

Can always choose to manage at a solid waste facility - no mandate to find placement on the ground.



Rule does not apply to...

- Clean soil/dredged material
- Dangerous waste
- Management within cleanup site
- Dredged material back into/adjacent to water
- Reuse of engineered soil at different place for same engineering properties
- Contaminated soil that is picked up from the ground, not altered, and placed back near its origin

What does it really mean?

MTCAs sets cleanup levels using several methods –
Method A, B, C, unrestricted land use, industrial, cancer, non-cancer, ecological considerations

MTCAs Method A Unrestricted levels are safe in most places
Human health and groundwater protection, 30 parameters

pH is primarily to address problems with soil amended with cementitious materials, such as jet grout. Natural background pH is not a release of contaminant.

Most soils moved are considered clean:

Soils excavated from undeveloped or residential areas not otherwise exposed to industrial impacts



Similar soils excavated from areas that have been protected under impervious surfaces

Deciding whether need to characterize based on suspected releases remains up to the judgement of soil handlers and concerned agencies – rule does not require testing outright, but provides standard for placement if contaminants exist

Ecology will create guidance

Common materials subject to question, like street waste, engineered soils, dredge, general suspect soil, will include:

Test parameters

Contaminant limits

Address common uses

When ecological considerations might come into play

Will update:

- Eastern and Western Stormwater Manuals that address BMPs for street waste
- Petroleum contaminated sites guidance

When questions come up:

Consult Ecology Solid Waste Management Program staff as needed (not Toxics Cleanup Program)



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Moderate Risk Waste

- ▶ Separate definitions for mobile system and collection events
Collection event can be one-time or recurring location,
48-hour storage limit
- ▶ Added a few conditions for exemption – liquid drum containment
- ▶ Clarified that protecting MRW from wind/precipitation can be via either design or operational means
- ▶ Added clarity that only floors serving as secondary containment be sealed
- ▶ Added clarity that explosive gas monitoring, electrical grounding, bonding needed only where flammables and combustible liquids consolidated
- ▶ Trained staff on-site
- ▶ Address training in ops plan
- ▶ Excluded drug take-back in Applicability





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Waste Tires

- ▶ Separated pile storage and waste tire transportation into two sections
- ▶ Waste tires stored indoors and inside containers not used for transportation are now regulated
- ▶ Pile design standards updated to reflect criteria in the 2015 international fire code
- ▶ Regulatory threshold remains 8 tons (800 normal size tires). Added larger threshold of 20 tons where tires weigh 500+ pounds each.





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Surface Impoundments, Limited Purpose Landfills, Inert Waste Landfills

A global change - Documentation of Design and Construction

- ▶ Most sections of the rule have new language to clarify requirements for documentation of design and construction
- ▶ A consolidation of requirements that in most cases already existed in the previous version of the rule
- ▶ Clarifies requirement for approvals from permitting agency
- ▶ Focus on engineered features - design basis; plans and specs; construction quality assurance; record drawings, completion report and certification; as appropriate to the facility and element
- ▶ Intent is to address new design and construction, and modifications to existing facility elements

Surface Impoundments, Tank, and Landfills - Common Characteristics

- ▶ Long-term waste containment by intent
- ▶ Regulatory interaction with well-construction rules through WAC 173-160
- ▶ Locational standards – cannot be located within specified distances of existing drinking water supply wells
 - ▶ Regulated surface impoundment or tank – 100 feet
 - ▶ Limited purpose landfill or inert waste landfill – 1000 feet
- ▶ Permit application requires documentation that nearby property owners have been notified, due to potential impact on ability to install water wells in the future

Section 330: Surface Impoundments and Tanks



Section 330: Applicability

- ▶ Principal application is to systems for handling leachate at landfills, including municipal solid waste landfills permitted under WAC 173-351
 - ▶ Other sections of Solid Waste Handling Standards, as well as WAC 173-308 - Biosolids Management, also rely on Section 330 for design, construction, and operating criteria.
 - ▶ Clarifies that some or all of Section 330 requirements are relevant in those cases.
- ▶ Expands scope to include piping systems which interconnect leachate collection systems for landfills permitted under this rule or WAC 173-351, regulated surface impoundments or regulated tanks within a solid waste facility.

Section 330: Applicability

- ▶ Does not apply to a surface impoundment or tank if the element is covered under a water quality discharge permit
 - ▶ So generally not applicable to non-contact stormwater management elements of a facility's operation
 - ▶ Permitting agencies should verify that water quality permits for leachate treatment systems address impoundment and tank design standards; they sometimes address the treatment process and equipment, but not always the containment systems in which the treatment is taking place

Section 330: Substantively Updated Requirements

- ▶ Periodic leak / tightness testing.
- ▶ Periodic maintenance and cleaning.
- ▶ Leakage criterion to trigger repairs and assessments.
- ▶ Controls on public access.
- ▶ Permits for other solid waste handling activities which include surface impoundment and tanks must address these requirements.

Section 330:

Periodic leak / tightness testing

- ▶ Occurs in the required scope of the operations plan
- ▶ Surface impoundments [173-350-330(6)(ix)]
 - ▶ Liners inspected for leaks no less frequently than every five years
 - ▶ Specific testing plan based on type of liner, expected service life of the material, and site-specific service conditions
- ▶ Tanks and piping [173-350-330(6)(x)]
 - ▶ Below ground tanks and other tanks or piping that don't have leak detection systems or cannot be visually inspected
 - ▶ Leak or tightness testing no less frequently than every two years

Section 400: Limited Purpose Landfills



Section 400:

Reorganized Design Requirements

- ▶ Proposed liner or final cover design must meet the performance standards
- ▶ Options available to limited purpose landfill operators for liner and final cover designs
 - ▶ Presumptive liner or final cover design
 - ▶ Demonstration for facility-specific liner or final cover design
 - ▶ Demonstration for operation without engineered liner

Section 400: Facility Monitoring

- ▶ Expands description of what monitoring data needs to be collected at limited purpose landfills, and how it should be reported.
- ▶ New language largely reflects current practices by most limited purpose landfill operators.
- ▶ Establishes a consistent basis for producing data to guide the management of facilities throughout the state.

Section 400: Facility Monitoring

- ▶ Occurs in operating requirements
- ▶ Plan describing all gas, leachate, surface water, and groundwater monitoring
- ▶ Annual monitoring report submitted to the jurisdictional health department and Ecology

Section 400: Closure and Post-Closure

- ▶ Mirrors approaches adopted in 2012 for the Criteria for Municipal Solid Waste Landfills, WAC 173-351.
- ▶ Redefines endpoints for post-closure to focus on functional stability of the landfill.
- ▶ Eliminates use of subjective stability criteria.
- ▶ Eliminates arbitrary timeframe for financial assurance planning.
- ▶ Use environmental covenants to provide continued protection for human health and the environment after post-closure.

Section 400: Environmental covenant

- ▶ Legally sufficient description of the real property subject to the covenant
- ▶ Designate the department, or other person approved by the department, as the holder of the covenant
- ▶ Be signed by the department, every holder, and, unless waived by the department, every owner of a fee simple interest in the real property subject to the covenant

Section 400: Environmental covenant

- ▶ Identify the name and location of the administrative record for the property subject to the environmental covenant
- ▶ Describe with specificity the activity or use limitations on the real property subject to the covenant
- ▶ Provide right of entry to solid waste permitting agency and Ecology

Section 400: Environmental covenant

- ▶ Prohibit uses and activities that may:
 - ▶ Threaten integrity of the landfill cover and other waste containment elements, controls for storm water, gas, or leachate, public access controls, or environmental monitoring systems
 - ▶ Interfere with the operation and maintenance, monitoring, or other measures necessary to assure the integrity of the landfill unit and continued protection of human health and the environment
 - ▶ Result in the release of solid waste constituents

Section 400: Functional Stability

- ▶ A status wherein a landfill does not present a threat to human health or the environment at the point of exposure for humans or environmental receptors.
- ▶ Evaluation of functional stability considers:
 - ▶ Leachate quality and quantity
 - ▶ Landfill gas production rate and composition,
 - ▶ Cover system integrity
 - ▶ Groundwater quality

Section 400: Functional Stability

Evaluating, Optimizing, or Ending Post-Closure Care at MSW Landfills Based on Site-Specific Data Evaluations. ALT-4. 2006.

This document describes the basis of the functional stability approach for post-closure of WACs 173-350 and 173-351. Developed by the Interstate Technology & Regulatory Council, a coalition of state regulators working with EPA and industry stakeholders on cleanup and solid waste technical issues.

Available on ITRC's website at:

<https://itrcweb.org/Guidance/GetDocument?documentID=4&documentID=4>

Section 410: Inert Waste Landfills



Section 410: Requirements

- ▶ Most requirements substantively unchanged from previous version
 - ▶ Permit exemptions
 - ▶ Location
 - ▶ Operating (reorganized)
 - ▶ Groundwater monitoring
 - ▶ Closure
 - ▶ Financial assurance

Section 410: Substantively Updated Requirements

- ▶ Applicability – added list of materials eligible for disposal consistent with RCW 70.95
- ▶ Location – existing wells
- ▶ Design - Controls on public access are now required
- ▶ Documentation – new subsection
- ▶ Permit application contents – notification to nearby property owners

Section 410:

Wastes Allowed To Be Received By inert Waste Landfills

- ▶ RCW 70.95 does not define “Inert waste”
- ▶ RCW 70.95.030(10): "Inert waste landfill" means a landfill that receives only inert waste, as determined under RCW 70.95.065, and includes facilities that use inert wastes as a component of fill
- ▶ RCW 70.95.065 refers to “types of solid wastes that are allowed to be received by inert waste landfills”
- ▶ Prompted the addition of definitions for some of these materials in WAC 173-350-100

Section 410:

Wastes Allowed To Be Received By inert Waste Landfills

- ▶ List of materials allowed to be received by inert waste landfills, as codified in RCW 70.95.065
 - ▶ Cured concrete, including any embedded steel reinforcing and wood
 - ▶ Asphaltic materials, including road asphalt
 - ▶ Brick and masonry
 - ▶ Ceramic materials produced from fired clay or porcelain
 - ▶ Glass
 - ▶ Stainless steel and aluminum

Section 410:

Associated Definitions in WAC 173-350-100

- ▶ “Cured concrete”
 - ▶ Based on 1200 psi minimum strength specification for the concrete mix design at production
 - ▶ Allows embedded steel, wood, or plastic materials used in the reinforcement or tensioning of concrete structural elements
 - ▶ No strength testing of waste concrete intended
 - ▶ Has no implications for recyclability of material
 - ▶ Differentiates from lower-strength “Cementitious materials” that can cause water quality problems in disposal

Section 410: Associated Definitions in WAC 173-350-100

- ▶ “Asphaltic materials”
 - ▶ Identifies characteristics of asphalt-containing materials eligible for disposal in inert waste landfills
 - ▶ Mixture of petroleum asphalt and mineral aggregate
 - ▶ Used for the construction of roads, sidewalks and similar purposes
 - ▶ Roofing materials containing asphalt are not considered to be asphaltic materials.

Section 410:

Associated Definitions in WAC 173-350-100

▶ “Glass”

- ▶ Identifies common types of glass as eligible for disposal
 - ▶ Soda-lime glass (e.g., window glass, container glass, new pyrex)
 - ▶ Borosilicate glass (e.g., old PYREX, DURAN, lab glassware)
- ▶ Excludes 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



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Groundwater Monitoring

Section 500: Requirements

- ▶ Most requirements substantively unchanged from previous version
 - ▶ General provisions
 - ▶ Applicability
 - ▶ Limited purpose landfills
 - ▶ Single-lined surface impoundments without leak detection
 - ▶ Limited purpose landfills – site characterization
 - ▶ Monitoring system design

Section 500: Substantively Updated Requirements

- ▶ Sampling & analysis plan - Expands monitoring to include both total and dissolved sampling for iron, magnesium, manganese [WAC 173-350-500(4)(h)(ii)]
- ▶ Data analysis, notification and reporting - submittals to Ecology in an electronic form capable of being transferred into the department's data management system. [WAC 173-350-500(5)(d)]



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Financial Assurance

Section 500: Substantively Updated Requirements

- ▶ Cost estimates for closure and post-closure activities must represent the cost of hiring a third party under a contract subject to chapter 39.12 RCW, Prevailing wages on public works, to conduct the activities required under the approved closure and post-closure plans for the facility



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Permitting Changes

- Reinforces that RCW 70.95 requires Ecology permit review for a permit to be valid
- JHD must include a “completeness” determination when forwarding applications for Ecology review
- Per RCW 70.95, added WSDA review for composters in pest-free areas accepting waste from quarantine areas
- Simplified process for permit modifications and included Ecology involvement:
 - Apply only to proposed changes associated with a rule requirement
 - For non-significant changes, any written form of request and approval usually okay
 - More formal process for significant changes
- Added permit transfer of ownership section
- Permit Deferral application to no longer address every rule standard one-by-one, but must show comparable protections

Permitting 101

New applications:

1. JHD receives permit application, must determine application is complete
2. After determining app is complete, forwards copy for Ecology review – 45 days
3. JHD has 90 days to make permitting decision, which includes Ecology's 45 days
4. JHD submits issued permit to Ecology w/in 7 days of issuance. Ecology review – 30 days. Permit not valid under RCW 70.95 without Ecology review.

Permit renewals:

1. JHD to consider inspection findings, operational changes, compliance issues before deciding to renew or include compliance provisions in permit. Ecology does not review renewal applications.
2. JHD submits renewed permit to Ecology w/in 7 days of issuance. Ecology review – 30 days. Permit not valid under RCW 70.95 without Ecology review.

Permit modifications:

1. JHD received request to alter operations, design, FA, monitoring, etc. as it relates to a rule requirement.
2. JHD shares change with Ecology and jointly decides if change is significant (e.g. landfill expansion) – more formal process needed. If not significant, much less formal process (email requested, amended plan, etc.)
3. Ecology reviews w/in 30 days.
4. JHD has 45 days for approval, which includes Ecology's 30 days.
5. JHDs files approved changes to Ecology w/in 7 days of approval.

Note: Ecology often provide sole engineering and hydrogeologic review as service to JHD.



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Other Changes

- ❑ Operations plan elements consolidated from two sections into one under each facility type
- ❑ Where design standards exist, limited what requires engineering docs to only engineered features (e.g. not litter or vector control)
- ❑ All conditionally-exempt activities now clearly shown in tables



DEPARTMENT OF
ECOLOGY
State of Washington

Local Regulation/Ordinance Adoption

- ▶ Ordinance adoption addressed in 173-350-700(2)
- ▶ Must adopt changes via local regulation or ordinance within 12 months (by Sept. 1, 2019)
- ▶ Must file ordinance with Ecology w/in 90 days of adoption
- ▶ Must be as stringent as 173-350 / can be more stringent if no conflict with statute



- ▶ Adopting by reference:

Some jurisdictions have adopted previous versions of WAC 173-350 by reference and as hereafter amended (or similar). Consult with local legal representative to ensure this will include revised rule w/o new adoption process. At least one JHD got the green light for 2013 changes.

Regarding more stringent standards in local ordinance/regulation -

Ecology Attorney General:

- RCW 70.95 allows more stringent standards for facilities requiring permit
- Conditional exemptions - RCW 70.95 provides sole authority to Ecology. Local ordinances can't be more stringent, such as requiring permits or additional conditions.
- Statutory definitions - Ecology has authority to interpret and clarify definitions in statute, such as "solid waste." Local ordinances need to be consistent with these definitions.
- Activities excluded in Applicability – tied to Ecology's authority in RCW 70.95 to decide what is solid waste handling requiring permit or exemption. No local authority to otherwise regulate.