

**WASTE 2 RESOURCES ADVISORY COMMITTEE**  
**\*\* MEETING SUMMARY \*\***  
**March 21, 2017, 1 p.m.**

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Andy Comstock, Vice Committee Chair, called the meeting to order at 1:05 p.m. and introductions were made. He asked for a motion to approve the January 10, 2017 meeting notes. There was a motion to adopt them. The motion was seconded and the notes were approved.

***Budget/Legislative Update; Update on EPA; WRRLCA Update - Laurie Davies***  
**Contact: 360-407-6103; [Laurie.Davies@ecy.wa.gov](mailto:Laurie.Davies@ecy.wa.gov)**

March 8 was the cutoff for bills to come out of the House of Origin. The Waste 2 Resources (W2R) Program is tracking two bills that are still alive: ESHB 1824, Electronic Product Recycling, and SB 5762, Mercury Light Stewardship. The agency request legislation for a surcharge on the MTCA tax hasn't moved forward, but could move because it is budget related.

The Senate issued their proposed budget. For the W2R Program, it mirrors the Governor's budget. The budget includes \$13.3 million for WRRLCA and about \$2.5 million for PPG. Our request for a minimum wage increase for the Ecology Youth Corps is not funded. There is a \$5 million staff reduction in MTCA for Ecology. If that occurs, we will hold vacancies. Also, the budget did not include general wage increases for state employees.

Rod Whittaker asked about SB 5735, Abandoned RV disposal. Laurie said tow truck drivers receive funds from the Washington State Patrol to tow abandoned RVs. Local governments are winding up with the RVs, and tow truck drivers are burdened with the cost of disposing of them and their contents. At one point Ecology was asked for CPG or MTCA funds to provide relief. Tow truck drivers looked at what was done legislatively in the past with abandoned vessels and mirrored that legislation. There is a proviso in the Senate Transportation Budget bill requiring the Department of Licensing, in consultation with Ecology, to convene a workgroup and report back to the Legislature on what the current problems are related to abandoned RVs, develop policy options, and produce draft legislation. The final report and draft legislation are due December 1, 2017.

Andy Comstock asked about the MTCA surcharge legislation. Do we have a sense of the reality of it moving forward? Laurie said the legislation could still move forward. MTCA funding is critical to CPG. We will know more as legislative session progresses.

We were asked to talk about Ecology's concerns regarding EPA's budget. The President's "skinny" budget was released last week which includes 31 percent in funding cuts to EPA. Examples of cuts include eliminating grant funding to NOAA, a 21 percent reduction in USDA funding, cutting the Clean Power Plan, reducing \$3 million to Superfund, cutting the Office of Research and Development in half, and eliminating NEP cleanup funding. There is also an Executive Order directing heads of federal agencies to find the President another \$18 billion out of their current fiscal budgets to give to the military. They have 180 days to submit a plan on how they are going to achieve that. Approximately 50 programs will be cut in EPA, but the list wasn't supplied. The next budget is due out in May. For Ecology, grant funding is stable for HWTR, Brownfields, and the Air Program for this fiscal year, but we are unsure about next fiscal year.

Laurie also gave W2RAC an update on WRRLCA. The Governor and Senate do not support stopping the diversion of \$10 million to State Parks.

We contract with other state agencies for litter pickup, including the Department of Corrections (DOC). We will not continue to contract with DOC because we would have to assume liability for their crews. This is resulting in even less litter pickup in the state, and it is noticeable. There were recently three KIRO investigative reports on increased litter.

Steve Skinner said he would like contacts to call to complain. Laurie said she will provide them.

Andy Comstock asked if there is a metric we can share with people, e.g. we're reducing "x" miles of litter pickup on roads. Laurie said we have some metrics we can share.

***Solid Waste Conference Update – Julie Robertson***  
**Contact: 360-407-6132; [Julie.Robertson@ecy.wa.gov](mailto:Julie.Robertson@ecy.wa.gov)**

The Solid Waste Conference is scheduled for October 3-5, 2017 at the Icicle Village Resort in Leavenworth. Julie shared a draft conference agenda based on feedback she received via a recent survey she conducted. Suggested sessions and discussion include:

- Coordinated Prevention Grants
- Solid Waste System Funding
- Solid Waste Handling Standards
- Recycling Economics and Markets
- Problem Materials Management
- Food Waste Prevention and Management

Julie also shared next steps including planning assistance, agenda development, and registration.

***Rules Update – Laurie Davies, Peter Lyon, & Wayne Krafft***  
**Contact: 360-407-6103, [Laurie.Davies@ecy.wa.gov](mailto:Laurie.Davies@ecy.wa.gov); 509-329-3438, [Wayne.Krafft@ecy.wa.gov](mailto:Wayne.Krafft@ecy.wa.gov); 360-407-6381, [Peter.Lyon@ecy.wa.gov](mailto:Peter.Lyon@ecy.wa.gov)**

Coordinated Prevention Grant (CPG) Update: Peter Lyon reviewed the less significant changes, including:

- Merging requirements of WAC 173-313 into -312 and abolishing -313.
- Definition changes. "Partnering local governments" replaces "designated lead or lead implementation agency."
- Efficiency improvements, including getting "unrequested monies" out ASAP. This will reduce the likelihood of "offset" or "supplemental" grants.

- Changing the name of CPG to Local Solid Waste Financial Assistance Program. This is a result of feedback we received that “Coordinated Prevention Grants” implies the grants are a luxury.

More significant changes include:

- Retroactive costs. Introduced language that will ensure eligible expenses incurred after establishment of a final budget will be covered if submitted within 90 days.
- Formula based enforcement grants: Base + Population.
- Performance expectations that mostly relate to the recipient’s administration of the agreement. The results of poor performance is a 10 percent penalty subtracted from the applicant’s award in the biennium following the poor performance evaluation. The criteria will be included in the guidelines. There will also be constant communication between the grant officers and recipients.
- Allocation of financial assistance. The 80/20 split will change to no less than 20 percent for solid waste enforcement or \$75,000 per jurisdictional health department, whichever is more.

Dennis Durbin talked about how during the last cycle, requests were made in February, but there wasn’t a signed contract until November. Peter Lyon said a scenario like that won’t be held against recipients. Laurie Davies said we’re trying to work on a way to get applications into EAGL sooner.

Peter also shared the proposed rule schedule. The CR-102 will be filed on May 24 followed by a public comment period. There will be a public hearing on June 28, and the rule will be adopted on August 23, effective September 23.

Regarding the 2017-19 grants, there will be a \$10 million preliminary allocation table, an application window in June, and preapplication meetings in April and May. Peter encouraged everyone to start planning for their applications now.

Public Participation Grant (PPG) Update: Laurie said PPG is currently funded at \$2.2 million and it has been a target for reduction. Last year the funds were swept in the Supplemental Budget.

Issues were raised by recipients on how grants were awarded and allocated, and there was a subsequent audit. We are currently updating the rule and working with stakeholders on draft language.

There are proposed administrative changes related to eligibility, how to submit records, etc. There are several new definitions including “highly impacted community,” “individuals,” and clarifying what lobbying is. There is also a desire to see more emphasis on environmental justice. There is revised language related to ensuring eligibility of tribes. We have also included scoring criteria in the rule in broad categories, which will be clearly defined in the grant guidelines.

We have completed informal review of the draft language and will file the CR102 on April 5 followed by a public comment period. There will be public hearings on May 15, with rule adoption on June 28, effective July 29.

-350 Update: Laurie said based on significant comments received, we extended our timeline. We will submit final language to the economist on September 13 and file the CR-102 on November 22, followed by a public comment period. There will be a public hearing in early January, and rule adoption on March 21, 2018, effective April 21, 2018.

We won't go out for another preliminary draft and review period. However, we welcome feedback.

We received significant comments on the new section on soils and impacted soils. Health departments were uncomfortable with the lack of oversight. We also heard from stakeholders that the new definitions don't make sense. We were asked why we don't use MTCA and MTCA cleanup levels, and were told that the 90-day storage limit for soils is too limiting. We will pull out that section and revise the definition of clean soils.

Wayne Krafft said in the rule, it will be either contaminated soil or clean (easier to understand). Regarding contaminated sediments standards, we will change the language to being based on upland receptors. For pile standards for concrete, we received a lot of support to tighten up the standards, and we may have taken it too far. We are trying to make it a more workable situation.

Laurie said we are working to further define the definition of solid waste. We are adding a new section called "Determination of Solid Waste" which sets out criteria: source separated, recycled, positive market value, isn't discarded or abandoned, stored to protect the environment, and doesn't contain harmful substances.

Laurie said we can make comments available that we have received. We aren't doing a formal response to comments.

Rod Whitaker asked about positive market value. Wayne said some stakeholders felt it wasn't clear enough. For example, scrap steel value fluctuates. We are trying to bring more stability.

Rod also asked what the stakeholder involvement process will look like moving forward. Laurie said that at a minimum we will reach out to stakeholders again regarding soils. Wayne thinks it will vary. Some sections haven't changed a lot. It will depend on the topic area and how much interest stakeholders have in getting back together. If stakeholders have an area they are interested in, they should contact the lead for the section.

Rod asked if we anticipate more big changes or just refinement. Wayne said refinement.

Andy Comstock asked Wayne to expand on concerns on inert waste and operators. Wayne said the sticklers are timeframes and the 2000 cubic yard limit for recycled concrete. Andy said for his jurisdiction, it's the associated noise with the facilities.

Troy Lautenbach commented that we should be careful of "value," as it is marketplace driven.

### ***Roundtable***

Scott Windsor reminded W2RAC about the April 25-27 symposium hosted by the Evergreen Chapter of SWANA. The theme is confronting climate change. See <http://swananw.org/> for more details. Also in April, the Oregon Beaver Chapter of SWANA is hosting MOLO training (see <http://swanaoregon.org/index.php>).

Dennis Durbin said that he is dealing with the impacts of snowpack and rain at his facility. He had to turn the pumps off to the leachate ponds. Also, his facility has had one scale system for many years. They are building new three-scale entrance.

Danny Joe Stensgar asked if we could have a representative from EPA in Seattle come to W2RAC to do a presentation. Laurie Davies said we could. Danny will provide Laurie with the contacts.

Laurie Davies reported that we just filled our vacant planner position at the Central Regional Office, and we are in the process of recruiting for new planners at the Eastern and Southwest regional offices. Gary Bleeker is retiring in May. We are also working to fill the vacant CPG Coordinator position.

Bryan McKinnon talked about problem materials, including glass. He shared a video with the committee. You can view it at [Beer Bottle Sand](#).

Rod Whitaker said he thinks the rule work is addressing a lot of longstanding issues. He does want to see initial opening inspections for exempt facilities.

### ***Agenda Items for Future Meetings***

- Solid Waste Management Planning Guidelines Update – TBD
- Presentation by EPA - TBD

***Meeting adjourned at 2:50 p.m.***

**Submitted by:** Susanne McLemore