



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO #10-06

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 10-12-051 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Chapter 173-350 WAC – Solid Waste Handling Standards Primarily amending Section 220 – Composting Facilities, but also amending parts of Section 020 - Applicability, 030 - Effective Dates, 100 - Definitions, and adding new sections 225 - Other Organic Material Handling Activities, and 250 - Anaerobic Digesters.

Hearing location(s): See attachment A

Submit written comments to:

Name: Kyle Dorsey
Address: Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
e-mail kyle.dorsey@ecy.wa.gov
fax (360)407-6102 by (date) 5 PM Friday November 2, 2012

Date: _____ Time: _____

Assistance for persons with disabilities: Contact

Michelle Payne at (360) 407-6129 by Friday October 12, 2012

Date of intended adoption: December 19, 2012

(Note: This is **NOT** the **effective** date)

TTY 711 or (877) 833-6341

Purpose of the proposal and its anticipated effects, including any changes in existing rules: These amendments pertain to composting and digestion of organic wastes. Key changes will:

- Improve environmental performance of large scale composters by adding requirements that include but are not limited to:
 - Requiring facilities to plan for response to odor complaints,
 - Addressing facility capacity and throughput,
 - Requiring training for facility personnel,
 - Requiring representative sampling,
 - Addressing site management in product storage areas, and
 - Requiring facilities to address the control of agricultural pests;
- Help protect long term markets for compost products by improving compost quality;
- Allow for new, innovative methods of handling organic materials, including permit exemptions;
- Encourage development of small facilities through expansion of conditional permit exemptions;
- Adopt permit exemptions for qualified anaerobic digesters as required by Chapter 70.95 RCW; and
- Describe permit requirements for non-exempt digesters.

Reasons supporting proposal: See Attachment B

Statutory authority for adoption: Chapter 70.95 RCW; particularly RCW 70.95.170, RCW 70.95.260(6), RCW 70.95.305, RCW 70.95.330

Statute being implemented: Chapter 70.95 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION: _____

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 18, 2012

TIME: 3:27 PM

WSR 12-19-087

DATE

9/18/12

NAME (type or print)

Polly Zehm

SIGNATURE

TITLE Department of Ecology, Deputy Director

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

See reasons supporting this proposal (attachment B).

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

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Kyle Dorsey	Olympia	(360) 407-6559
Implementation....	Department of Ecology and Jurisdictional Health Authorities	Ecology Headquarters Office in Lacey and Regional Offices in Bellevue, Lacey, Yakima, and Spokane. Local jurisdictional health authorities generally located at the county level.	()
Enforcement.....	Jurisdictional Health Authorities	Generally at the county level	()

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name: Michelle Payne
Address: Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

phone (360) 407-6129
fax (360)407-6102
e-mail michelle.payne@ecy.wa.gov

No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Michelle Payne
Address: Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

phone (360)407-6129
fax (360)407-6102
e-mail michelle.payne@ecy.wa.gov

No: Please explain:

Attachment A: Public Hearings for the rule proposal for Chapter 173-350 WAC Solid Waste Handling Standards

Hearing (1) Bellevue

Date: October 24, 2012

Time: 1:30 PM: Presentation and question and answer session followed by the formal public hearing

Location: Department of Ecology
Northwest Regional Office
3190 - 160th Ave SE
Bellevue, WA 98008-5452
Receptionist 425-649-7000

Hearing (2) Yakima

Date: October 25, 2012

Time: 1:30 PM: Presentation and question and answer session followed by the formal public hearing

Location: Department of Ecology
Central Regional Office
15 West Yakima Ave - Suite 200
Yakima, WA 98902-3452
Receptionist 509-575-2490

Attachment B

Reasons supporting proposal:

The Department of Ecology fully supports processing and treating organic materials to produce valuable end products through means such as composting and anaerobic/aerobic digestion, and recognizes the potential for other new conversion technologies for processing organic materials. These processes preserve valuable nutrient value and organic matter that can be used in lawns and gardens, or returned to our soils to enhance them for crop production, or aid in restoration projects for habitat protection and wildlife enhancement. Gas generated during anaerobic digestion can be used to generate electricity for local use, or returned to the power grid. At the same time, these management approaches reduce the amount of organic materials disposed in landfills or burned.

Growing pressure within the solid waste management system to process more diverse feedstocks in ever larger quantities has strained the capacity of the solid waste management system. In some cases it has distressed neighbors and impaired marketability of final products. Ecology is directed by statute to provide permit exemptions for qualified anaerobic digesters. The agency further believes additional conditional permit exemptions for small digesters and compost facilities will help grow necessary infrastructure for handling increasing volumes of organic wastes by providing relief from administrative burdens, while continuing to require protection of the environment as a condition of exemption. The agency believes that a new requirement for odor management plans at larger compost facilities, expanded requirements at those same facilities to improve operational management where finished product is stored, as well as other new requirements such as defining capacity and throughput, ensuring proper training, and requiring representative sampling are necessary to protect health and the environment. The agency believes tighter standards for physical contaminants are necessary to protect the environment and to ensure viable compost markets in the long term. The amendments to the rule are intended as steps to repair the observed problems while preserving the long term integrity of critical solid waste management system elements.