



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Ecology AO# 04-12

- Preproposal Statement of Inquiry was filed as WSR 04-14-055 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR 05-01-235
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Chapter 173-350 WAC Solid Waste Handling Standards. The chapter applies to facilities and activities that manage solid wastes not defined as municipal solid waste.

Hearing location(s): Originally a hearing on this rule making was scheduled for February 8, 2005, due to this supplemental filing that hearing will no longer be taking place. A new hearing is scheduled as follows:

Ecology Headquarters Building
300 Desmond Dr.
Lacey, WA

Date: February 23, 2005 Time: 1:00pm

Submit written comments to:

Name: Randy Martin
Address: Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
e-mail rama461@ecy.wa.gov
fax (360)407-7157 by (date) March 2, 2005

Assistance for persons with disabilities: Contact

Solid Waste & Financial Assistance Program by 2/09/05 TTY
(800) 833-6388 or (360) 407-6900

Date of intended adoption: March 7, 2005
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Ecology is filing this supplemental CR-102 in order to file the SBEIS with the Office of the Code Reviser. Ecology has not changed the proposed language filed as WSR 05-01-235.

This rule amendment would clarify the definitions of clean soils and clean dredged materials, contaminated soils and contaminated dredged material.

Reasons supporting proposal: This rule change is a temporary fix. We adopted a new solid waste rule, and revised our soil standards to be more clear. Upon implementation, we have found that our new standards are not more clear, and are causing much concern. This rule change takes us back to the old standards. We will file another rule with the final soil standards in the spring of 2005. In that process, we will analyze the concerns and economic impacts.

Statutory authority for adoption: Chapter 70.95.060 RCW authorizes Ecology to adopt rules to implement the requirements of Chapter 70.95 RCW.

Statute being implemented: Chapter 70.75 RCW, Solid Waste Management-- Reduction and Recycling Act

Is rule necessary because of a:

- Federal Law? Yes X No
 - Federal Court Decision? Yes X No
 - State Court Decision? Yes X No
- If yes, CITATION:

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JAN 7 2005

TIME 10:57 AM
WSR 05-03-018

DATE
1/7/05

NAME (type or print)
Polly Zehm

SIGNATURE
POLLY ZHEM

TITLE
Deputy Director, Department of Ecology

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

Name of proponent: (person or organization)

Washington Department of Ecology

Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Albert W. Krafft	ERO regional office - Spokane	(509) 329-3438
Implementation.... Albert W. Krafft	ERO regional office - Spokane	(509) 329-3438
Enforcement..... Albert W. Krafft	ER regional office - Spokane	(509) 329-3438

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. A small business economic impact statement is available by contacting Randy Martin (see below) or downloading a copy from the following website <http://www.ecy.wa.gov/laws-rules/activity/wac173350.html>

A copy of the statement may be obtained by contacting:

Name: Randy Martin
Address: PO Box 47600
Olympia, WA 98504-7600

phone (360)407-6136
fax (360)407-7157
e-mail rama461@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 Randy Martin (see below) or the following website <http://www.ecy.wa.gov/laws-rules/activity/wac173350.html> .

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No: Please explain: