

WASTE 2 RESOURCES ADVISORY COMMITTEE
**** MEETING SUMMARY ****
March 17, 2015, 9:30 a.m.

John Sherman, Committee Chair, called the meeting to order at 9:35 a.m. and introductions were made. He asked for a motion to approve the January 20, 2015 meeting notes. There was a motion to adopt them. The motion was seconded and the notes were approved.

Legislative/Budget Update – Laurie Davies

Contact: 360-407-6103; Laurie.Davies@ecy.wa.gov

March 11 was the cutoff to consider bills in the House of Origin. Legislation still alive of particular interest to the Waste 2 Resources (W2R) Program includes:

- ESHB 1060 – Litter Tax Revenues
- E2SHB 1174 – Flame Retardants
- E2SHB 1472 – Chemical Action Plans
- ESHB 1571 – Paint Stewardship
- SHB 1619 & SSB 5563 – Environmental Handling Charges
- ESHB 1695 – Construction Aggregate
- ESHB 1845 & ESB 5577 – Pharmaceutical Waste
- SSB 5609 – Synthetic Plastic Microbeads

It is rumored that the House will release their budget within the next two weeks. The MTCA Account balance is down because of lower oil prices, and the Office of Financial Management has not yet shared plans on how we will compensate.

John Sherman asked if any of the live bills pose particular challenges. Laurie said no. Jan Gee said she is optimistic about the litter tax and B&O tax exemption bills moving forward.

State Plan Final Comments – Janine Bogar

Contact: 360-407-6654; Janine.Bogar@ecy.wa.gov

Janine gave the committee a presentation on the 2nd draft of the State Plan including the process, an overview of the comments received, and next steps. See Janine's presentation posted on the W2RAC website. The plan is now called the *State Solid & Hazardous Waste Plan – Moving Washington Beyond Waste & Toxics*. We do not have all of the resources needed to carry out the work of the plan, and are working on prioritizing specific goals and actions in our program planning process.

We received 29 comments on the second draft. Overall, there are no major changes as a result. Those who commented still want more focus on climate, human health, environmental justice, and references added to laws that give us authority to do the work. We received comments about stopping land application of biosolids, which is not in the current plan or policy at the state or federal level. The state plan does call for more research and outreach.

Suellen Mele commented that regarding clarifying the term for Product Stewardship/EPR to match the national standard, the national terminology really doesn't match what we do in the state. EPR is broader. Her preference would be to keep the two terms interchangeable.

John Sherman asked about next steps and the timeline for the plan update. Janine said we'll deal with SEPA in March, editing and layout in April, and publishing in May (June at the latest).

Cal Palmer asked if there is polarity around land application of biosolids. Janine said that we are acknowledging concerns, but still recommending land application within limits.

Suellen Mele said she appreciates acknowledgement of the comments on biosolids. Is there some process Ecology could pursue to have more conversation about this area of controversy? Laurie Davies said one way is during the Biosolids General Permit renewal process. We could also meet with stakeholders such as nonprofit organizations, the National Coalition on Clean Water, the Northwest Biosolids Management Association, and W2RAC, or a subcommittee of W2RAC.

Cal Palmer asked how long it has been since we have done a formal review of biosolids issues. Laurie Davies said it has been a long time, but we have done studies through Washington State University.

Suellen Mele asked Laurie Davies to share more information on work that has been done on biosolids. Laurie said that we can do a presentation at the next W2RAC meeting. Lorie Hewitt mentioned the Biosolids webpage has been updated and is a good place for information.

Rick Hlavka asked if a summary of comments on the state plan is available. Janine said it will be soon.

-350 Rule Update – Wayne Krafft

Contact: 509-329-3438; Wayne.Krafft@ecy.wa.gov

Wayne said that four -350 workgroups have made substantial process: inert waste, the definition of solid waste, waste piles, and soils. Ecology staff proceeded to give the Committee brief updates.

Marnie Solheim's group is working on characterization and use of soils: soils from construction projects, street waste projects, dredging materials, etc. This includes any kind of project that moves soils from one location to another. Our goal is to determine the limits for clean and impacted soils.

Alli Kingfisher's group is working on the definition of solid waste, and recycling and recyclable materials. The workgroup is using a model of what EPA has used, as well as WUTC. They are proposing to add a section to the rule with four factors to consider including value, storage and handling, transportation, etc. The group is at the point of vetting language through Ecology staff to get internal feedback, make any necessary adjustments, and then share the language externally to solicit comments. Wayne talked about some of the issues, including alternative daily cover and recyclable materials included as solid waste.

Dawn Marie Maurer said the inert waste workgroup has achieved many of their goals. They want to leave review and approval of inert material to jurisdictional health departments. A decision was made to propose some prescriptive criteria. The group is waiting to see what the soils group proposes. The first proposed draft of contaminate limits should be ready by the end of this month.

Al Salvi reported that so far the MRW workgroup has met face-to-face once and held a conference call. They have focused on clarifications, such as what the definitions mean. The next step is to draft language. Al is also leading the piles workgroup, which has met twice. The Applicability Section is one major topic. The workgroup has been discussing time limits for permitting. The direction they are taking is that a permanent (ongoing) pile situation would require a permit. The workgroup is also discussing the two existing exemptions for piles: wood waste and inert. Some group members want to do away with them. The group is also discussing requirements, such as reporting. The next step is to draft language.

Troy Lautenbach asked if we will form more -350 committees in the future. Kyle Dorsey said the groups are formed and some are just getting started. Susanne McLemore reminded the Committee about the link on the W2RAC website to -350 update information.

Apple Maggot Issue – Laurie Davies

Contact: 360-407-6103; Laurie.Davies@ecy.wa.gov

Late last fall apple growers raised concerns about transporting organic waste from apple maggot quarantine areas to nonquarantine areas. Washington State Department of Agriculture (WSDA) used an emergency rule process to amend 16-470 WAC so that the items covered by the quarantine rule include collected organics. WSDA is currently working on mitigation measures that haulers, landfill operators, and composters will have to follow in order to receive a WSDA permit to transport organics from pest infested areas to pest free areas, and for landfill and compost facility operators in pest free areas to accept the materials. Every county in Western Washington is a quarantine area. There is a unique situation in Yakima: Half is quarantined and half isn't.

Scott Windsor asked how designation occurs of quarantined/nonquarantined areas. Laurie said that WSDA does an annual survey (sets traps). John Sherman asked Wendy Mifflin if this could impact in-county transport. Wendy said WSDA told her that they're looking at transport of solid waste as well.

Laurie said that WSDA is lead on the issue, not Ecology. She said that we would like to work with WSU to do research to see how long maggots survive in compost piles, containers, etc.

Suellen Mele asked if existing transport is affected. Laurie said there isn't a ban yet. Mitigation measures and permit requirements are still being developed.

Federal Court Decision on CAFO/Solid Waste – Laurie Davies

Contact: 360-407-6103; Laurie.Davies@ecy.wa.gov

CARE in Yakima Valley sued four or five combined animal feeding operations (CAFOs) for violating solid waste laws by allowing cow manure to contaminate groundwater with nitrates. This suit was brought in Federal Court under the citizen suit provision of RCRA. The first decision made was about the Cow Palace. A federal court rendered a decision that the dairy violated solid waste management laws. Our definition of solid waste doesn't include liquids. The federal definition does. The decision will impact how animal feeding operations will operate in the future.

Cal Palmer asked if there will be consideration to modify the state solid waste definition. Laurie said we would need Legislative authority to do so.

E-Waste Legislation – Miles Kuntz

Contact: 360-407-7157; Miles.Kuntz@ecy.wa.gov

The W2R Program is proposing to add more products to the E-Cycle Washington Program, including printers, keyboards, mice, video game consoles, and DVD players. Ecology is conducting meetings with stakeholders to get input on potential legislation. During the first meeting, one concern raised was if there is a need to expand the program and if there is data to justify additional products. The next meeting on April 7 will include a focus on existing waste characterization data. We will consider all input we receive during the stakeholder meetings and determine how to move forward. Contact Miles Kuntz if you would like to be added to the ListServ to receive updates on this issue. Kimberly Kaminski asked Miles to add her.

Rick Hlavka commented that his facility receives a lot of printers. Troy Lautenbach said at the last stakeholder meeting, there was discussion about not needing to add video consoles because of the used market for them.

Suellen Mele commented about the good process at the last stakeholder meeting that entailed going around the room to get input from everyone. There was a lot of feedback about convenience for residents to allow them to bring other items to the E-Cycle Program.

Agenda Items for Future Meetings

- Biosolids Research – May 2015
- Update on Junk in Compost – TBD
- 1-800-Recycle Hotline Changes – TBD

Meeting adjourned at 11:35 a.m.

Submitted by: Susanne McLemore