

Welcome

**WAC 173-350- REVISING
WASHINGTON'S SOLID WASTE RULE**

WAC 173-350-110 Draft Rule Determination of Solid Waste

Allison Kingfisher and Dawn Marie Maurer
Waste 2 Resources Program





Background

Workgroup members

- Waste Management
- Washington Utilities and Transportation Commission
- Washington Refuse and Recycling Association
- Washington Aggregates & Concrete Association
- Waste Connections
- Local Governments Zero Waste Washington
- Jurisdictional Health Authorities
- Washington State Department of Transportation
- Washington State Recycling Association
- ISRI
- Cedar Grove



Definitions Workgroup

Original focus on definitions of:

- Recycling,
- Recyclable Materials,
- Solid Waste

But limited to the definitions in statute



Goals

- Create a framework for more consistent decision-making
- Clarify when a material qualifies as solid waste
- Decrease sham recycling



Develop a tool that creates a decision making framework to determine whether or not a material is considered a solid waste.



Rule overview

Draft 110 standards

- A material *is* a solid waste if it meets *any* of these criteria:
 - The material has been discarded, abandoned or disposed of;
 - The material has been permanently placed in or on land for the purpose of disposal;
 - The material is a byproduct generated from the manufacturing or processing of a product, and is placed on the land for beneficial use;



- The material has been collected through residential or commercial solid waste or recyclable material collection;
- The material has been received at a solid waste material recovery, recycling, storage, disposal, or incineration facility;
- The generator has paid for or will need to pay for removal or processing of the material for recycling, disposal, or incineration.
- The material has been stockpiled in substantial quantities, on the ground, for eventual recycling or for use after recycling, but the market for the material is unavailable or insufficient.



Draft 110 standards

- A material is *no longer* a solid waste if it meets *all* of the criteria:
 - The material is no longer discarded or abandoned;
 - The material is separated from solid wastes;
 - The material has been recycled, or is ready for reuse, as defined in WAC 173-350-100;
 - The material has positive market value, as indicated by available or sufficient markets for the material;



Draft 110 standards

- The material is stored and managed to preserve its value and in a manner that presents little or no risk to human health or the environment.
- 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.



Draft 110 standards

- If a material does not meet all of the [above] criteria, the person in possession of the material is 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. 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.



Definitions in section 100

- **“Byproduct”** means a material that is not one of the primary products of a production process, such as a process residue. A byproduct is not produced for the general public’s use.



Definitions in section 100

- **“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.



Definitions in section 100

- **"Recycling"** means transforming or remanufacturing waste materials into usable or marketable materials for use other than disposal or incineration. Recycling includes processing waste materials to produce tangible commodities. Recycling does not include crushing, shredding, compacting, sorting, baling, or repackaging when those activities are part of collection, intermediate processing, or preparation for the purpose of transport.



Definitions in section 100

- **“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 a solid waste handling activity, but separating materials from other solid wastes for reuse is a solid waste handling activity. Use of solid waste as fill is not reuse.





Desired Outcomes

Benefits of this new section

- This section creates a clear framework for better consistency of decision making across all jurisdictions in the state.
- It helps clarify when a material must legally be managed as solid waste, and
- It tries to differentiate wastes from commodities and recycled products to allow legitimate products to move freely without regulation under the solid waste rules.



Benefits of this new section

- The determination of solid waste will make it easier to crack down on sham recycling.
- It will discourage speculative accumulation.
- It clarifies owner responsibility for the material.





Questions and Discussion



Thank You!