

WHAT IS SOLID WASTE?

UPDATING THE “350” RULE

Solid Waste Handling Standards,” Chapter 173-350 of the Washington Administrative Code, is a regulation addressing waste management issues as diverse as used tires, surface impoundments, and incineration.

These rules govern how individuals, businesses and governments can handle solid waste, what materials can be recycled, when permits are required, and a host of other issues.

Updating the rule allows Ecology to address emerging issues, look for ways to improve its effectiveness and get feedback from stakeholders.



Section 110 — Determination of solid waste and recycling

“Solid waste,” “recyclable materials” and “recycling” are key terms that are the basis for all solid waste handling activities. What is or is not included when we use these terms can have a big impact in how various materials are managed.

Although each of these terms is defined in statute, there is some degree of interpretation. As Ecology works with stakeholders to update our solid waste management rules, we want to improve the consistency of how these terms are interpreted by different cities and counties across the state.

The preliminary draft language for this new section is an attempt to gain both consistency and clarity in the determination of whether or not something is a solid waste.

A 12-member advisory group determined that, due to the constraints in statute, the definitions themselves could only be clarified to a limited extent. In light of this, the group proposed developing a new section of the rule. This new section has three main goals:

- Create a framework for more consistent decision-making
- Clarify when a material qualifies as solid waste
- Differentiate wastes from products.

New definitions

The draft rule contains new definitions used in the structure of the new section. Definitions were added for “byproduct,” “commingled recyclable materials,” “commodity,” and “reuse.”

The definition of “recycling” was significantly updated. The revised definition now includes the transformation of waste materials into tangible commodities.

Contacts

You can find documents, schedules and other information on our website: www.ecy.wa.gov/programs/swfa/rules/wac173350/1308ov.html

To be kept up to date on developments in the 350 rulemaking, please subscribe to our ListServ at the link above.

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Special accommodations

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Structure of the new section

The draft language creates a decision-making framework to determine whether a material is considered a solid waste.

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.

A material is no longer a solid waste if it meets all of these 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;
- 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.

Ecology anticipates that the new draft section WAC 173-350-110 will encourage reuse and recycling of waste materials and help create consistency on how materials are categorized across the state.



Public input

After releasing a draft version of the revised 350 rule, Ecology will hold informal workshops to educate interested persons about the proposed changes. Feedback during this informal process may result in changes to the draft rule.

In September 2016, Ecology plans to formally announce proposed revisions. This will begin a formal comment period, including hearings where stakeholders can comment on the changes and ask questions that will be answered in the official rulemaking documents. Ecology hopes to adopt changes to the rule in the spring of 2017.