

FINANCIAL ASSURANCE



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 manage solid waste, what materials can be recycled, when permits are required, and many other technical details.

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



Section 600 — Financial assurance

This section contains the requirements for certain solid waste facilities to maintain financial assurance for facility closure and post-closure care. “Financial assurance” or “financial responsibility” describes how companies make sure money will be available to clean up after their operations. This is so that taxpayers won’t have to pay for a cleanup if they go out of business.

Washington’s Solid Waste Handling Standards require financial assurance for waste tire storage facilities, fixed moderate risk waste facilities that store more than 9,000 gallons of moderate risk waste onsite, excluding used oil, and limited purpose landfills.

The requirements of financial assurance are: an estimate of cost of closure and a 20-year post-closure period, or a time period determined by the jurisdictional health department using a worst case scenario; the type of financial assurance instrument used; and a process to designate when the closure and post-closure are complete.

Major changes

The intent of the proposed changes to this section is to clarify confusing language and organization and to add the requirement to use state prevailing wages in closure and post-closure cost estimates. The use of prevailing wages is proposed because a local health authority needing to step in to perform closure or post-closure care at a facility would be required to ensure the work is done by individuals who are paid state prevailing wages.

No changes are proposed to the types of facilities required to maintain financial assurance or to the allowable financial assurance instrument options.

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.

For questions on section 600, “Financial Assurance,” contact Madeline Wall, environmental engineer with Waste 2

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Special accommodations

To request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, call Ecology at 360-407-6900 or visit <http://www.ecy.wa.gov/accessibility.html>. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.



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.

350 rule update schedule (dates subject to change)

Now	Draft rule available
July 21	Informal workshop—Lacey
July 26	Informal workshop—Ellensburg
July 27	Informal workshop—Spokane
Sept. 6	Informal comments due
December	Proposed rule filed
January-	
March, 2017	Public hearings on proposed rule
Spring, 2017	Rule adopted