

PERMITTING



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.



Sections 700, 710, 715 — Permitting

Many of the general permitting procedures for issuing solid waste permits are described in statute and remain unchanged. Ecology has identified areas in the permitting sections where language can be clarified to more accurately reflect current approaches to elements such as variances, permit transfers, and permit modifications.

Cleanup actions

The proposed updates in the permitting sections better delineate formal cleanup activities that are exempt from solid waste permitting from those activities that remain subject to solid waste regulations. This applies to activities at locations undergoing cleanup actions performed by the state, or in conjunction with the U.S. Environmental Protection Agency, or remedial actions taken by others to comply with a state or federal cleanup law, order, or consent decree.

Compost facilities

The draft changes also address requirements added by the Washington Legislature in 2016 that the Washington State Department of Agriculture review solid waste permits and permit modifications for compost facilities outside of pest quarantine areas when they accept materials coming from areas inside a quarantine. The law requires health departments to forward solid waste permit applications for affected compost facilities to WSDA for a limited, 45-day review and comment opportunity, which will coincide with Ecology’s application review period.

Permit modifications

Draft rule language amends the permit modification process to more closely align with the standard permitting process. The proposed

Contacts

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

For questions on sections 700, 710 and 715, "Permitting," contact Chuck Matthews, environmental specialist with Waste 2 Resources:

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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.

changes are intended to ensure that Ecology has opportunity to fulfill its statutory obligations in the solid waste permitting process.

Transferring permits

A section was added in the draft section to address solid waste permit transfers to new owners or operators.

Variations

The variance section has been updated to better reflect current circumstances in solid waste management. The original language is essentially the same as existed in WAC 173-304, *Minimum Functional Standards for Solid Waste Handling*, which the current solid waste regulations replaced. The original variance concept and rule language was developed to accommodate the complexities of closing landfills and open dumps. The proposed language is intended to be broader in its applicability where a variance to a design or operating requirement may be appropriate.

Affected parties

The preliminary draft changes to sections 700-715 will have some impact to local jurisdictional health departments due to changes in the permit modification process and changes made by the 2016 Legislature related to compost facilities. Owners and operators subject to WAC 173-350 should see little change in obligations already in place under this rule, except for certain compost facilities and facilities needing to transfer permits to new owners or operators.

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.