

REMEDIAL ACTION



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 900 — Remedial action

Section 900 establishes the roles of the Washington Department of Ecology and the local solid waste permitting agency when a permitted solid waste facility becomes subject to remedial action under the state’s Model Toxics Control Act cleanup authority. Typically, this would happen after a landfill or other site was found to be leaking contaminants into the environment, requiring cleanup.

The existing rule language is unclear on the scope of Ecology’s authority over facility operations and solid waste handling activities when a facility is in remedial action. The text could be interpreted to mean that the solid waste permitting agency’s primary role for solid waste permitting and enforcement is deferred to Ecology until remedial action is complete, which is not Ecology’s intent.

Major changes

Ecology is proposing changes to the language of Section 900 that will clarify several points:

- This section will apply only to remedial actions at permitted solid waste facilities. Facilities which are not permitted would not have relevant regulatory involvement by a solid waste permitting agency to begin with.
- The solid waste permitting agency would continue to exercise its primary authority for overseeing compliance of ongoing solid waste handling activities under the facility’s solid waste permit.
- The solid waste permitting agency must coordinate with Ecology to incorporate any permit modifications that may be necessary to address impacts on solid waste handling activities due to remedial actions.

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 900, "Remedial Action," contact Bill Harris, environmental engineer 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.

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

