

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

Amendments to Chapter 173-350 WAC – Solid Waste Handling Standards

2. Name of applicant:

Washington State Department of Ecology - Waste 2 Resources Program

3. Address and phone number of applicant and contact person:

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4. Date checklist prepared:

September 10, 2012

5. Agency requesting checklist: Washington State Department of Ecology

6. Proposed timing or schedule (including phasing, if applicable):

The rulemaking process began in May of 2010 with a Preproposal Statement of Inquiry (CR-101). Informal comment periods were offered in 2011 and 2012. A formal public comment period is anticipated in October of 2012. If the agency finds the

proposed amendments continue to be supportable, adoption is expected in December of 2012. As with any rule, future amendments are likely.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

A with all rules, these rules may be amended from time to time. See also 8 below.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal

The agency is currently undertaking a compost odor and toxics generation and monitoring study working with Washington State University and stakeholders. The study is expected to be complete by July 2013. Although not directly connected with the current rulemaking effort, when complete, the goal of the study is to establish enforceable emission standards and monitoring methods for odors and toxic air pollutants related to composting activities. The agency has committed to developing an odor plan template to assist and reduce costs to the regulated community associated with implementing requirements of the proposed rule.

It is very important to keep in mind that this checklist is prepared in response to a proposal to amend existing state rules. While it is possible that a new facility developed under the proposed rules might have environmental impacts, those impacts must be evaluated based on the project proposal. It is not possible to speculate here, for example, on the presence of threatened or endangered species at specific site. The permitting process required by existing and proposed rules requires environmental evaluation at the project level. This checklist primarily addresses questions related to the proposed rules. Where reasonable we have commented on potential impacts of new facilities proposed under the rule.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

This question generally does not apply to an administrative rulemaking activity. Some facilities subject to the regulations are required to obtain solid waste permits from local jurisdictional health departments. A portion of the proposed amendments concern requirements for exemptions from permitting; when facilities do not qualify for exemption, permit requirements are described.

10. List any government approvals or permits that will be needed for your proposal, if known.

The process for amending rules adopted under the Washington Administrative Code is spelled out in the State Administrative Procedures Act. This SEPA checklist and a threshold determination are required, but no specific approvals outside the defined rulemaking process are required. Eventually the agency must evaluate stakeholder comments and determine whether or not the rule should be adopted as proposed, adopted with amendments, or if the proposal should be withdrawn.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The compost section (220) of the solid waste rules in Chapter 173-350 WAC has not been updated since 2003. Technology and needs for organic materials management have changed in that time. There are increasing pressures within local solid waste management systems to divert greater amounts of organic materials from landfill disposal and incineration. Compost facilities feel increasing pressure to process greater volumes of organic wastes. New technology such as anaerobic digestion is continuing to develop and those facilities are able to process additional organic waste streams.

Increasing pressures on the organic waste management elements of the solid waste handling system have resulted in increased odor complaints, difficulties with system capacity and throughput, and problems with compost quality. In turn these problems have aggravated area residents and pose greater risks to air, surface, and groundwater quality. Increasing problems with compost quality relating to the presence of physical contaminants in feedstocks (particularly film plastics) is threatening to damage marketability, and environmental impacts may occur when those contaminants become litter in soils and surface waters.

2009 legislation created a means for on-farm dairy anaerobic digesters to secure exemptions for solid waste permitting requirements. The standards for exemption are proposed to be incorporated in the current rules, along with elements to clearly define permitting requirements for facilities that are not exempt. The agency also recognizes the possible development of other conversion technologies for processing organic wastes, including aerobic digestion.

Based on agency experience and feedback received from stakeholders through public meetings and informal processes, the

agency is proposing rule amendments which will in part better address:

- Odor issues at compost facilities through planning, documentation, and progressive responses
- Planning requirements for digesters when odor issues arise
- Issues of capacity and throughput at compost facilities
- Protections for surface and groundwater
- Requirements for permit exemptions for dairy based anaerobic digesters
- Requirements for permitting anaerobic digesters that are not exempt
- Increased volumes of organic feedstocks for small facilities while maintaining conditional permit exemptions
- Proper training for compost facility operators
- Representative sampling of final products and appropriate analytical methods
- Potential migration of agricultural pests
- Reduction of physical contaminants for compost facilities- especially film plastics
- Closure planning for compost facilities
- Other conversion technologies such as small scale aerobic digestion or gasification.
- Lagoon liner integrity through visual inspections or electronic leak detection

This rulemaking effort primarily amends WAC 173-350-220 – *Composting Facilities*, but also amends parts of Section 020 - *Applicability*, 030 - *Effective Dates*, 100 - *Definitions*, and adds new sections 225 - *Other Organic Material Handling Activities*, and 250 - *Anaerobic Digesters*.

If this proposal is fully implemented, the human environment should improve based on requirements for large scale compost facilities to develop odor management plans, and to better manage organic materials to reduce nuisance odors. The natural environment will improve where compost is manufactured as surface and groundwater will be better protected at permitted facilities, and are required to be protected as a condition of permit exemption at smaller facilities. The environment will be better protected where final products are used because there will be fewer physical contaminants. Additionally, encouraging the production and use of compost is beneficial because use of compost can offset the use of synthetic pesticides and fertilizers, and help control erosion from storm water runoff.

The proposed changes are significant for composting facilities where a cover or insulating layer is now required in some cases to ensure pathogen reduction and control odors, because of limits on capacity, and requirements to manage all material on site (including composted material) to protect surface and groundwater resources. These requirements are expected to improve environmental quality on and adjacent to composting operations. The proposed revisions capture a statutory permitting exemption for on-farm dairy digesters. There is a new exemption for small scale municipal solid waste anaerobic and aerobic digesters. The proposed rules provide for increased volumes of collected organic materials at exempt smaller scale compost facilities. Providing relief from the permit process (while still requiring facilities to protect the environment) will provide incentives to small communities to develop new, small compost facilities, where a large, permitted facility may not be feasible. This is expected to reduce disposal of organic waste in landfills and the incidence of burning materials that can be composted, thus reducing air quality impacts from landfill emissions and burning.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

This proposal addresses changes to the Washington Administrative Code for Solid Waste Handling Standards. The rule will be in effect where applicable (current or future) facilities are located.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other

The agency cannot speculate about the nature of properties where applicable new facilities may potentially be developed. Compliance with local land use and other local permitting processes is required and should assure that new facilities are compatible with surrounding land uses.

- b. What is the steepest slope on the site (approximate percent slope)?

Does not apply

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Does not apply

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Does not apply

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Does not apply

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Does not apply

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Some area of some sites will be covered by asphalt, concrete, or other impervious surfaces in order to improve material handling and control run-on of surface water and runoff of contaminated water.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Standard construction practices are expected for new facilities. Required site design and proposed expansion of operational requirements are expected to help protect against off site impacts.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Solid waste management may generate dust and odors from material handling and composting or other treatment processes. The nature and amount of these emissions is not known and varies from site to site. The agency is currently engaged in a study to help address related concerns. See A(8) above and section D *supplemental sheet for nonproject actions*.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Does not apply.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

The proposed rule is expected to reduce potential impacts to air quality as compared with the current rule. Large compost facility permitting requirements will now include an odor management plan, requiring progressive responses if there are problems with offsite odor impacts. The proposal encourages the development of small compost and digestion facilities by increasing allowable amounts of feedstocks while maintaining opportunities for conditional permit exemptions. In turn, this will reduce emissions from landfills and burning, options that might otherwise be exercised in the absence of an opportunity to compost organic wastes. Smaller facilities exempt from permitting requirements must meet existing performance standards in WAC 173-350-040 which includes air quality standards. See section D *supplemental sheet for nonproject actions*.

3. Water**a. Surface:**

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The agency cannot speculate about the proximity of surface water adjacent to potential new facilities. Applicable facilities are required to protect natural resources, including surface waters.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Does not apply

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Does not apply

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Does not apply

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Does not apply

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Solid waste handling may impact surface waters, although the goal is to avoid such impacts and this proposal does not authorize any discharge of waste materials to surface waters. Large scale compost facilities subject to these rules collect and process organic wastes that can be composted or digested to produce end-products which can be used beneficially. Contaminated runoff can be generated at all applicable facilities from feedstocks, processing operations, and areas where final product is stored. Existing permit requirements generally address this potential but the proposed rule expands obligations to include areas where final products are stored. See section D *supplemental sheet for nonproject actions*.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

This proposal does not authorize the withdrawal of groundwater or discharge of water to groundwater.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Solid waste handling may impact groundwater, although the goal is to avoid such impacts and this proposal does not authorize any discharge of waste materials to groundwater. Contaminated runoff or leakage from surface impoundments intended to capture leachate and runoff from operational areas are potential sources of discharge to groundwater. Existing rules and permit conditions generally address this, but the proposed rule expands management requirement to include areas where final products are stored. See section D *supplemental sheet for nonproject actions*.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Solid waste handling can generate contaminated runoff. Facilities that collect organic wastes may generate leachate directly from feedstocks, from processing operations from stockpiles of finished product, and from rainwater or surface water run-on/runoff. These waters are either contained on site or directed to a leachate collection system. Direct discharge to surface waters is prohibited already (unless and NPDES permit has been issued). See section D *supplemental sheet for nonproject actions* and.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

It is always possible for contaminated runoff to escape capture. Existing rules and permit requirements seek to avoid this. See section D. *supplemental sheet for nonproject actions*.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

This proposed is intended to reduce the potential for water quality impacts at compost facilities. The standard practice is to prevent or capture contaminated runoff. This proposal is expected to reduce the potential for runoff from larger composting facilities by extending management requirements to areas where finished feedstocks are stored. Facilities that are exempt from permitting requirements are obligated to protect surface and groundwater quality as a condition of maintaining their exemption. See section D *supplemental sheet for nonproject actions*.

4. Plants

- a. Check or circle types of vegetation found on the site:

- Does not apply ___deciduous tree: alder, maple, aspen, other
- Does not apply _evergreen tree: fir, cedar, pine, other
- Does not apply _shrubs
- Does not apply _grass
- Does not apply _pasture
- Does not apply _crop or grain
- Does not apply_ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- Does not apply – water plants: water lily, eelgrass, milfoil, other
- Does not apply – other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

Does not apply

- c. List threatened or endangered species known to be on or near the site.

Does not apply

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Does not apply

5. Animals

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- birds: hawk, heron, eagle, songbirds, other:
- mammals: deer, bear, elk, beaver, other:
- fish: bass, salmon, trout, herring, shellfish, other:

Does not apply

- b. List any threatened or endangered species known to be on or near the site.

Does not apply

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- c. Is the site part of a migration route? If so, explain.

Does not apply

- d. Proposed measures to preserve or enhance wildlife, if any:

Does not apply

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Does not apply

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Does not apply

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

In particular, anaerobic digesters applicable under the proposed rule can be designed to capture methane gas that can be used to generate electricity, which in turn can be used to operate the facility; excess power can be returned to the grid

.7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Solid waste handling may create environmental health hazards. Risks from toxic chemicals and hazardous waste are considered remote because applicable facilities do not accept or generate these materials. There is some risk of fire in feedstocks or compost piles, including explosion at anaerobic digesters which are designed to generate and capture methane gas. These risks are minimal. Potential sources of environmental health hazards are contaminated runoff and physical contaminants in feedstocks and finished products. Generally, current rules and permit requirements address these concerns. These concerns exist apart from the current proposal. See section D. *supplemental sheet for nonproject actions.*

- 1) Describe special emergency services that might be required.

Does not apply

- 2) Proposed measures to reduce or control environmental health hazards, if any:

Facilities subject to these rules are not handling toxic chemicals or hazardous wastes. Their goal is to produce an end product that can be safely and beneficially used in the environment, including on farms and in home gardens, parks, etc. The proposed rule continues to require protection of water resources and air quality, and expands on those obligations for larger compost facilities. In particular, new requirements for larger compost facilities including a cover or insulating blanket of organic material at aerated static pile compost facilities, odor management plans for all larger compost facilities, and the inclusion of final product storage areas for environment management are expected to reduce potential environmental impacts. The proposed rules also require training of operators which is expected to improve product quality and site management. See section D. *supplemental sheet for nonproject actions.*

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Does not apply

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Applicable facilities will receive feedstocks, and whether generated on site or off site, these are generally delivered by truck or tractor-trailer. Processing equipment including chippers, grinders, conveyors, and final product sizing screens generate noise. It is expected that applicable facilities will be cited in accordance with local land use requirements, which in turn are expected to consider noise in approving the construction and operation of facilities.

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- 3) Proposed measures to reduce or control noise impacts, if any:
The proposed rule does not address noise generated by applicable facilities.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?

Does not apply.

- b. Has the site been used for agriculture? If so, describe.

Does not apply

- c. Describe any structures on the site.

Does not apply

- d. Will any structures be demolished? If so, what?

Does not apply

- e. What is the current zoning classification of the site?

Does not apply

- f. What is the current comprehensive plan designation of the site?

Does not apply

- g. If applicable, what is the current shoreline master program designation of the site?

Does not apply

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

Does not apply

- i. Approximately how many people would reside or work in the completed project?

Does not apply

- j. Approximately how many people would the completed project displace?

Does not apply

- k. Proposed measures to avoid or reduce displacement impacts, if any:

Does not apply

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- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Does not apply

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Does not apply

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Does not apply

- c. Proposed measures to reduce or control housing impacts, if any:

Does not apply

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Does not apply

- b. What views in the immediate vicinity would be altered or obstructed?

Does not apply

- c. Proposed measures to reduce or control aesthetic impacts, if any:

Does not apply

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Does not apply

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Does not apply

- c. What existing off-site sources of light or glare may affect your proposal?

Does not apply

- d. Proposed measures to reduce or control light and glare impacts, if any:

Does not apply

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12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Does not apply

- b. Would the proposed project displace any existing recreational uses? If so, describe.

Does not apply

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Does not apply

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

This proposal addresses location standards for compost and anaerobic digestion facilities, requiring compliance with all applicable local, state and federal laws and regulations. (WAC 173-350-040(5)). See section D. *supplemental sheet for nonproject actions*.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

Does not apply

- c. Proposed measures to reduce or control impacts, if any:

Does not apply

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Does not apply

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Does not apply

- c. How many parking spaces would the completed project have? How many would the project eliminate?

Does not apply

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

Does not apply

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- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Does not apply

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Does not apply

- g. Proposed measures to reduce or control transportation impacts, if any:

Does not apply

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

Does not apply

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Does not apply

16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Does not apply

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Does not apply

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Kyle Down

Date Submitted: 9-13-2012

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

This proposal is not expected to increase discharges to water, emissions to air, production, storage, or release of toxic or hazardous substances, or production of noise.

Proposed measures to avoid or reduce such increases are:

This proposal is expected to reduce potential environmental impacts from existing and future facilities managing organic wastes, particularly as pertains to air quality, surface and groundwater quality. The proposed rule amendments accomplish this by improving materials management, site operations, and planning requirements.

The proposal clarifies management requirements for handling organic solid waste materials. Engineered design requirements for compost and anaerobic digester facilities have been clarified to ensure pads for receiving organic materials, and for storage areas, are protective of surface and ground water. Language in the proposal is specific to controlling discharges of waste to surface waters at larger permitted compost facilities, and requires protection of water resources at smaller facilities that qualify for permit exemptions. The proposed rules also clarify lagoon liner inspection processes to protect ground water from the impacts of a leaking liner. Larger facilities subject to permitting are required to develop an odor management plan, and to implement progressive responses in the event there are complaints. Conditional exemptions in the compost section provide for increased volumes of collected organic material at smaller facilities that are exempt from permitting, but performance obligations to protect water and air quality remain in place. This will provide incentives to small communities to develop new, small compost facilities, where a large, permitted facility may not be feasible. These smaller facilities will help keep organic materials out of landfills, and offer an alternative to burning. Additionally, the production and use of composted material can offset the use of synthetic pesticides and fertilizers, and help control erosion from storm water runoff.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

This proposal is not expected to negatively affect plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

There are no specific measures under the proposed rules to conserve plants, animals, fish or marine life. This proposal will likely increase protection of plants, animals, fish, or marine life through new language that requires managing organic material to prevent the migration of agricultural and horticultural pests. New language restricts the amount of film plastic that can be present in composted material, which reduces the potential for affecting fish and marine life. The use of compost products, however, has been shown to be efficacious for improving soil tilth, reducing erosion potential, and helping to reestablish plant life on disturbed sites. Improvement in the plant community can have direct impacts on reducing surface water runoff and improving the quality of surface water runoff.

3. How would the proposal be likely to deplete energy or natural resources?

This proposal is unlikely to deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

This proposal is a rule process to help create energy from organic solid wastes through the development of conditional exemptions and solid waste permit conditions for anaerobic digesters. The methane generated from digesters may be used to generate electricity, or processed to replace natural gas as a heat or fuel source.

This proposal further encourages the growth of organic waste management by lifting the administrative burden of permitting for small facilities, and enabling larger facilities to provide better assurances to the public regarding protection of the environment where organic wastes are processed, and where final products are used. In fact then, this proposal supports activities that preserve the valuable nutrient and soil conditioning properties of organic materials that might otherwise be disposed in landfill, or burned.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal is unlikely to affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.

Proposed measures to protect such resources or to avoid or reduce impacts are:

The proposal requires compost and anaerobic digestion facilities to be developed in locations that meet all applicable local, state, and federal laws and regulations. These laws and regulations should protect such resources to avoid or reduce impacts from facility development.

Further, compost products have been used to improve and restore soils and plant communities. This proposal helps to improve the environmentally responsible long term production of compost products which in turn can be used to enhance the environment.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Existing rules require compatibility with existing land uses and local solid waste management laws. There is no reason to expect an adverse impact in this regard from the current proposal. That being said, future individual project proposals must be evaluated on their own merit.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The proposal requires compost and anaerobic digestion facilities to be developed in locations that meet all applicable local, state, and federal laws and regulations. These laws and regulations should protect and reduce shoreline and land use impacts.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

This proposal is not expected to increase demands on transportation or public services.

Proposed measures to reduce or respond to such demand(s) are:

This proposal will not likely reduce demands on transportation or public services.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

An overall expectation of solid waste management is that all applicable facilities, whether operating under a permit or a conditional exemption, will do so in a manner consistent with other applicable laws.

