

WASHINGTON STATE SOLID WASTE ADVISORY COMMITTEE

**** MEETING SUMMARY ****

September 15, 2009, 9:15 a.m.

Ecology Headquarters, ROA-36

*Presentations and Handouts are Available at
<http://www.ecy.wa.gov/programs/swfa/swac/sched.html>*

Steve Wamback, Committee Chair, called the meeting to order at 9:20 a.m.

Introductions were made and Steve asked for a motion to approve the July 21 meeting notes. Suellen Mele requested one amendment: Regarding the Mercury Lamp Recycling Project, replace “*other workgroups in Washington State have met to look at the mercury lamp issue*” with “*national stakeholder dialogue has taken place to look at the mercury lamp issue.*” There was a motion to adopt the meeting notes with Suellen’s amendment. The motion was seconded and the notes were approved.

Lorie Hewitt led the election of the SWAC Chair and Vice Chair. There were two nominees: Steve Wamback for Chair and Dean Large for Vice Chair. Lorie asked if there were any other nominees. There were none. A vote was taken, and Steve and Dean were unanimously elected.

Steve announced that Dean Large will chair the November meeting.

Laurie Davies talked about the new name for her program: Waste 2 Resources. She explained that Solid Waste & Financial Assistance, the old program name, didn’t completely reflect the work of the program. She described a contest that was held to find a new name that resulted in more than 150 suggestions submitted.

The program won’t completely convert to its new name until late spring 2010. The Office of Financial Management’s (OFM) database can only be changed in April. Laurie is minimizing associated costs of the name change.

Fluorescent Lighting Project Update – Jay Shepard

Contact: 360-407-7040 or Jay.Shepard@ecy.wa.gov

Jay shared a handout with the group about the Mercury Light Recycling project outlining options, process, a report outline and a stakeholder list. The Legislature has required Ecology to develop recommendations for an efficient, effective mercury containing light recycling program for all areas of the state.

Tomorrow Jay and Laurie will attend a *Mercury Lightings* stakeholder meeting in Seattle. The group has received a draft document for review prior to the meeting. The draft document describes financing options and collection options. Jay will get feedback from the stakeholder group and produce a draft recommendation. He will get comments by mid-October and submit recommendations to OFM by November.

70.95 Update – Jay Shepard

Contact: 360-407-7040 or Jay.Shepard@ecv.wa.gov

Jay shared an issue paper with the group about 70.95 that describes problems related to solid waste management laws that we are currently operating under. He explained 70.95 was originally passed in 1969 and has been amended more than 28 times. He said we need to move away from the disposal mentality and toward materials management. The current laws don't provide the regulatory environment in which to do that.

Jay received feedback from the group, including:

- Attempting consistent definitions among agencies and funding will be key. Definitions will be a huge challenge and will need to be very clear. There is a need for consistency with UTC.
- This is a moving target and an enormous undertaking.
- We will need to tease out potential conflicts of interest.
- There may be issues around who has regulatory authority.
- This is great. There is need for government reform in general, yet the undertaking is usually avoided because it's too difficult.
- Discussions relative to financing should be really interesting.
- Should look at ways to expand the collection system and recycling.
- If looking at extracting the value from waste, it may not be wise to separate into two laws.
- An integrated law has a better chance to hold together. The tone in the policy section should be clear. If Ecology intends to regulate, then clearly state that.

Laurie said Ecology's management supports the 70.95 update. She plans to introduce the idea at an October 2 legislative hearing on barriers to recycling. Next steps include laying out a work plan and strategy, doing stakeholder work and getting buyoff on the concept. There could be a multitude of workgroups. Laurie said it would be ambitious to complete the 70.95 update in 2011. It will likely happen in 2013 or later.

Jerry Smedes asked about the connection of the 70.95 update to the -350 rule. Laurie said we can only patch -350 for now, not fix it. We will revisit the -350 rule when the 70.95 update is done.

While the work plan is not yet developed, Jay said there are five areas that could be the focus of separate workgroups: solid waste management facilities, materials management, product policy, government “walk the talk” and conservation which include waste reduction issues.

Jay asked the group to send any comments on the issue paper to him.

Tribal Solid Waste Disposal Issues – Danny Joe Stensgar
Contact: 509-634-2810 or Dannyjoe.stensgar@colvilletribes.com

Danny Joe talked about TSWAN, which is federally funded. He is chair for Region 10, and was elected to be on the board in addition to a Makah citizen. Danny Joe said he would like assistance from the state. Tribes are just now beginning to recycle. He would like to implement state laws on tribal land and wants to know how tribes can receive funding. He said counties receive funding that should include tribes, but the tribes are not receiving any. Danny Joe said he is speaking for all tribes in Washington, because most have the same problems.

Dennis Durbin said tribes have not participated in the Stevens County SWAC or other efforts. Sego Jackson said Tulalip was just given city status. There are diverse relationships. It is complicated because of jurisdictional overlap.

John Sherman said it would be beneficial if tribes would adopt state government laws.

Beyond Waste Plan Update Discussion & Approval – Janine Bogar & Chris Chapman
Contact: 360-407-6654 or Janine.Bogar@ecv.wa.gov

Janine gave a PowerPoint presentation and reviewed achievements of Beyond Waste in the first five years and the process used for the plan update. She summarized what is new in the 2009 update. She said the implementation plan is “beefed up,” and additional milestones will help better direct and track our work.

Chris reviewed changes to the Industries Initiative. There is enormous awareness about the issue of toxics in products. The MRW and Industries initiatives are now more closely aligned.

In the Organics and Green building initiatives, recommendations remained the same. Only milestones were modified or added.

There are all new recommendations and milestones in the Measuring Progress Initiative. Janine will send a draft of the update progress report soon. She plans to send an email to SWAC tomorrow. Chris also described issue changes for both hazardous and solid waste.

Janine said Ecology’s Hazardous Waste and Waste 2 Resources program management approved the plan update in August. She asked for SWAC’s approval of the update.

Suellen Mele said she thought changes were initially specific to milestones and activities. She asked if the introductory section was edited. Janine said yes.

Brad Lovaas asked if the collection system was recognized. Janine said we do want to increase collection, but do not mandate it. Janine will send Brad examples.

Steve Wamback commented on the roles for local government introduction (page 87 of the implementation plan). Suggesting local governments use specific permitting practice to encourage recycling infrastructure seems awkward without a discussion in the body of the plan. Pages 58 and 59 reflect today's reality. It seems a little harsh when talking about landfills. The casual reader could interpret this to say that all landfills are contaminating groundwater.

The vision statement should read "*we will transition . . .*" instead of "*we can transition . . .*"

Lorie Hewitt reminded the group that we are only updating the summary of the plan to reflect the next five years of the 30-year plan. Changing the vision changes the original plan.

Suellen Mele wanted to know if key principals and strategies were changed significantly. Janine said third-party certification systems were added, and beyond that, only word smithing and editing were done.

Jerry Smedes made a motion to recommend approval of the plan update in its substantial form. Sego Jackson seconded the motion. Jerry asked to approve the plan update with final editing needed. A motion was made to approve. There were no opposed, so the plan update was approved.

Sego Jackson commended Janine and Chris for how well they managed the process and getting the job done. Ecology would like to have a Beyond Waste Update launch in November with SWAC's participation.

Statewide Organics Management (SOM) Workgroup Update – Michelle Andrews
Contact: 360407-6113 or Michelle.Andrews@ecy.wa.gov

The fourth SOM meeting was held last week in Ellensburg. There was an increase in participants – from 23 to 29. New faces from Eastern Washington included:

- Sunshine disposal & recycling (Spokane)
- Stemilt World Famous Compost Facility (Wenatchee)
- Benton Clean Air Agency
- Benton Co Health

Matt Kadlec, Ecology Air Program Senior Toxicologist, made a presentation called *Perception & physiological effects of agents possibly emitted from commercial composting facilities*. The presentation is available by PowerPoint. *Update: This presentation is now on the SWAC website.* Highlights of Matt's presentation include:

- Odor perception/judgment, detection, & recognition.
- 96 percent of the population has a "normal" sense of smell. Only two percent are assumed to be hypersensitive and two percent insensitive.
- Odor is transmitted through the central nervous system via the olfactory nerve tract.
- Composting is a complex biological process, and the potential for formation of odorous compounds is virtually limitless.
- Some odor emissions from compost facilities may include hydrogen sulfide and ammonia. However, they are considered a low health risk at compost facilities because when emitted they disperse and are not held in concentration long enough to be considered toxic.

Draft odor easement (right to compost) is the only objective SOM has not yet reached consensus. Jerry Smedes presented the draft odor easement to SOM. SOM is reviewing the draft and compiling comments.

SOM is also reviewing a few other drafts: Organic Materials Management Plan Outline (Michelle collecting comments), Statewide Resource Map (Chery Sullivan, Ecology), and Proposed Regulator Inspection Guidance (Tami Thomas, TerreSource).

The next SOM meeting is at 9 a.m. on November 5 at Ecology's Northwest Regional Office in Bellevue (videoconferencing with Yakima).

Jerry Smedes talked about the draft odor easement and how it tracks existing Right to Farm legislation. There are a lot of nuisance odor complaints over agricultural operations, and there are some similar issues with composting. The basic principal is to manage composting at a high standard of operation to reduce nuisance odor complaints.

The existing agricultural exemption and a draft composting facility exemption were emailed to SWAC for review last week.

SWAC had comments, including:

- This seems like an issue looking for a problem. We already have ways to deal with nuisance complaints.
- It seems the biggest concern heard from compost operators is being shut down.

- There is the issue of compatibility of a facility with urban areas, schools, etc.
- This is an exemption, not an easement.

Jerry said costs can be incurred to deal with the odor issue, e.g. paid inspectors to respond to frivolous odor complaints. The easement is like practicing preventative medicine.

Jerry suggested that legislation be introduced. Steve Wamback said that language would need to be prepared for the November SWAC meeting in order for SWAC to make a decision on endorsing legislation for 2010.

Suellen Mele wanted to know what has been produced on beneficial use hierarchy. Michelle at this point we only have a draft Organic Materials Management Plan outline.

E-cycle Update on First Six Months – Miles Kuntz
Contact: 360-407-7157 or Miles.Kuntz@ecy.wa.gov

Miles shared a handout with the group outlining collections through August 2009, reuse, public outreach, retailer outreach and independent recycling plans.

The E-cycle Program is doing fairly well – It is up to almost 26 million pounds. Collectors have the option to resell, and charitable organizations have benefitted.

Miles talked about outreach efforts. He shared a new informational card with the group that is distributed at fairs and other functions. A magazine from Washington Association of Maintenance & Operations Administrators is sent to all schools. Residences receive Puget Sound Energy's *Energy Wise* newsletter, and there is also a Spanish magazine available called *Eco-Logica*.

Outreach to retailers will be the next big push. Retailers must provide consumers with recycling information at the point of sale. Fred Meyers gives stickers to its customers. Best Buy and Costco include information at the bottom of their sales receipts.

Miles said Ecology is reviewing two independent plans for recycling electronics, and they should be a good change for the program. Sego Jackson said the only way they would be effective is if we hold the manufacturers' feet to the fire.

Suellen Mele wanted to know if the two plans will use the preferred standards and when the plans would become public for review. Miles said the plans are still draft. They are moving forward and it looks like they will meet the preferred standards. The plans won't be available before the end of November. There is no firm date.

Brad Lovaas wanted to know if the plans would drive down or increase the price of recycling. Miles said the plans would probably drive it up, but we will have to see how that plays out.

Suellen Mele asked about return share sampling timing. Miles said it has been going on all year long. A preliminary summary was done in June and another one will be done this month. We have collected data all along.

-350 Rule Update – Kathi Scanlan

Contact: 360-407-6559 or Kathi.Scanlan@ecy.wa.gov

Kathi provided the group with a handout on WAC 173-350 - *Solid Waste Handling Standards* rule amendment project kickoff. The handout outlined the objective, approach, and rule timeline and topics. She said she kicked off the project with staff in September.

There will be emphasis on clarifying organics and looking at soil issues. Ecology will file the CR101 with the Office of the Code Reviser this winter, which will formally announce Ecology's intention to initiate rulemaking. Staff technical leads will look at reaching out to stakeholders and the public in spring 2010.

Kathi reviewed rule topics Ecology will address during rulemaking, including clarifying feedstocks for organics, MRW, land application exemptions, facility issues, and new earthen material and soils sections.

Work on -350 will continue internally with staff and Kathi will be in contact with SWAC this winter after the CR 101 is filed. She will regularly update the group at significant milestones.

David Baker asked about combining biosolids with yard waste. Kathi said it is on the rulemaking radar and being discussed with the organics group.

Suzanne Tresko asked if definitions will be included for pile storage. Kathi said yes, and we will have more details about specific -350 changes when we are closer to filing the CR101.

Ecology is planning to hold two or three informal public workshops in spring and summer 2010 to listen to public issues or problems with the -350 rule. SWAC members may comment and submit their list of issues before spring/summer 2010.

Natural Resource Agency Reform – Laurie Davies

Contact: 360-407-6103 or Laurie.Davies@ecy.wa.gov

Laurie talked about the 150-page document submitted to the Governor outlining ideas to reform natural resource agencies. The document does not make recommendations. It is being referred to as the "document of ideas." Laurie said she is most focused on ideas around grant management. Proposed changes could "get legs." The Governor's Office will accept comments on the "document of ideas" until October 28.

Agenda Items for November Meeting

- Beyond Waste Launch
- Update from EPA Region 10 on Solid Waste Issues on Tribal Lands
- Ecology Legislative update
- Take it Back Network Expansion (CFLs)

Meeting adjourned at 12:10 p.m.

Submitted by: Susanne McLemore

SWAC Members Present

Laurie Davies
Dennis Durbin
Lorie Hewitt
Sego Jackson
Peter Keller
Craig Lorch
Brad Lovaas
Jim Matsuyama
Sueellen Mele
Wendy Mifflin
Bob Schille
Jerry Smedes
Art Starry
Danny Joe Stensgar
Steve Wamback

Alternates Present

David Baker
Pat Campbell
Vicki Christophersen
Linda Dennis
Penny Ingram
Bill Reed
John Sherman
Jody Snyder
Suzanne Tresko (attending for Russ Menke and accepted by Chair to serve as alternate)

Meeting Participants

Michelle Andrews
Janine Bogar
Chris Chapman
Miles Kuntz
Kathi Scanlan
Jay Shepard

Interested Parties Present

Cal Palmer