

## W2RAC BRIEFING SEPTEMBER 20, 2016

### Stakeholder Feedback & Next Steps - Preliminary Chapter 173-350 WAC

#### WHO RESPONDED?

*Roughly grouping comment sources, we heard from:*

STATE OR FEDERAL GOVERNMENT (4)

LOCAL GOVERNMENT (24)

- *Local health (9)*
- *Other local government (15)*

BUSINESS (18)

STAKEHOLDER ORGANIZATION (15)

- REPRESENTED REGULATED ENTITIES (13)
- ENVIRONMENTAL ADVOCACY (2)

*We also received a letter from two members of the State Legislature House Environment Committee encouraging us to carefully contemplate the need for our rulemaking against the benefit.*

#### WHAT WAS OF GREATEST INTEREST OR CONCERN?

SOIL AND SEDIMENT CRITERIA AND USE.

- *Stakeholders were critical of agency motivations and the process overall, especially the timeframe for commenting.*
- *Concerned about potential/perceived conflicts in proposed criteria.*
- *Concerned about unintended consequences, uncertainty about the magnitude of impacts, and overall unknown cost of implementation.*
- *Argue that the threshold for clean is the Model Toxics Control Act, and that W2R is overstepping our authority.*
- *Concern that focus on due diligence may drive all toward more conservative and more costly practices.*

*Concerns about this aspect of the rule were largely expressed by local government utilities and businesses and representative associations, but are not limited to that group.*

*We have just received additional feedback from our Toxics Cleanup Program. We are continuing to meet.*

**W2RAC Briefing September 20, 2016**  
**Stakeholder Feedback Preliminary Chapter 173-350 WAC**

COLLECTION AND RECYCLING OF SCRAP METAL

- *Concerned that changes in the rule will lump recyclers in with what are more traditionally thought of as solid waste handling facilities.*
- *Concerned about the idea of source separation being a permit determinant.*
- *Concept of positive market value for determining what is solid waste is problematic due to fluctuating markets.*
- *The nexus with piles standards is a concern due to uncertainties regarding on-site retention related to markets.*

MANAGING THINGS IN PILES

- Different perspectives in this group: agricultural, construction, recycling.
- Whether agricultural residuals removed from and returned to the same site (a common practice with hops) would trigger a piles or land application permit requirement.
- Whether classifying something as solid waste and exempting it from permitting might trigger other regulations based on the primary classification as solid waste.
- Holding material for an extend period of time based on market analysis could impose new regulatory burdens.
- Increasing the volume threshold for permitting of inert wastes and piles to 2,000 yds<sup>3</sup>.

SECTION 110 REGARDING DETERMINING WHEN SOMETHING IS A SOLID WASTE, AND RELATED REFINEMENTS TO DEFINITIONS IN SECTION 100.

- Market value versus positive market value versus holding times.
- Implications for hauling of impacted soils classified as solid waste, relative to UTC regulations.
- Interpretation of what constitutes source separated.

*Considering an approach where impacted soils managed per standards will not be considered solid waste.*

PERMITTING

- *Concept of "significant" change related to permit modifications and the process for modification.*

ECONOMIC IMPACTS

- Particularly as relates to impacted soils and commodity management
- Small Business Impact Statement will be prepared
- Cost Benefit - Least Burdensome Alternative Analysis will be prepared

*There was one request to prepare an Environmental Impact Statement, but the focus was on economic impacts (that would not be captured in the environmental review process).*

**W2RAC Briefing September 20, 2016**  
**Stakeholder Feedback Preliminary Chapter 173-350 WAC**

EFFECTIVE DATES

- Will there be enough time to comply?
- Will training be adequate

**NEXT STEPS**

*CONTINUE ON TRACK FOR DECEMBER PROPOSAL*

*REASSESSMENT OF READINESS EARLY OCTOBER*

*OVERVIEW OF COMMENTS AND RESPONSES EARLY DECEMBER PRIOR TO OR CONCURRENT WITH PROPOSAL*

- *Significant changes*
- *Significant issues*