



DEPARTMENT OF
ECOLOGY
State of Washington

Implementation and Impacts of the New Solid Waste Handling Standards

CHAPTER 173-350 WAC

Why this rule revision is good for you



- ▶ Rule updates are opportunities to clean house
 - ▶ Exempt facilities tidy up to meet new exemptions
 - ▶ Facilities that need permits can be prompted to apply
 - ▶ Permitted facilities that need improvements have a reason to make those now
- ▶ Overall the standards are clearer and less ambiguous, but still flexible enough to accommodate varied circumstances
- ▶ The rule provides a clear pathway for materials to no longer be solid waste
- ▶ The burden of proof is placed on the waste generator or handler, not the JHD

Effective dates

- ▶ New facilities must apply for a permit or meet the terms and conditions for exemption under the new rule now.
- ▶ Existing facilities with permits must:
 - ▶ Meet operating, monitoring, closure/post-closure and financial assurance requirements by March 1 2020
 - ▶ Meet performance and design requirements (construction) by Sept 1 2020
 - ▶ Apply for a permit modification, if needed, by Sept 1 2019
- ▶ Existing facilities with exemptions must:
 - ▶ Comply with new or revised conditions by Sept 1 2019, or
 - ▶ Apply for a permit by Sept 1 2019
- ▶ The JHD with Ecology may grant an extension for permit applications of formerly exempt facilities

Exempt facilities

- ▶ Ecology sent out letters to every exempt facility in our database
 - ▶ Asked operators to review the new regs, and then;
 - ▶ Send in a new Notice Of Intent, or
 - ▶ Work with their health department to apply for a permit, or
 - ▶ If they are no longer subject to the rule, requested that they inform Ecology in writing
- ▶ JHDs should be working with any exempt facilities they suspect may need to obtain a permit
- ▶ Some operations needing a permit may not be known to the health departments. It is the responsibility of the operators to know the rules, not the health departments to find and educate them

Formerly exempt facilities likely to need a permit

All Comingled MRFs, including C&D, other than asphalt, brick and concrete MRFs/recyclers that cannot meet the 5% contamination limit

All comingled piles other than asphalt, brick and concrete

Piles of concrete, brick or asphalt over 250 cy at sites not covered under a WQ Sand and Gravel NPDES permit

Piles of wood waste over 2,000 cy

Street sweepings and decant facilities

Over 800 waste tires stored indoors



Currently exempt facilities likely to fall out of regulatory authority



- ▶ Scrap metal yards that pay for all incoming scrap and handle no other recyclable materials for a fee (such as appliances).
- ▶ Large manufacturers purchasing recycled commodities to use as feedstocks

Permitted facilities that could need to apply for a modification or request a variance

- ▶ Mixed C&D processors not currently operating with a tipping building
- ▶ Chronically leaking drop boxes that may need to be placed on a pad with run on and runoff controls
- ▶ Transfer stations or MRFs with ancillary areas likely to collect leachate that do not have impervious surfaces or leachate collection
- ▶ Any facility that was operating under a variance for the previous rule
- ▶ Any facility whose infrastructure is questionable and likely needs improvements or updates

Adopting Local Ordinances

- ▶ WAC 173-350-700(2) *Each jurisdictional health department must adopt local ordinances implementing this chapter **not later than one year after the effective date of this chapter**, and must file the ordinances with the department within ninety days following local adoption. Local ordinances must not be less stringent than this chapter, but may include additional requirements provided additional requirements do not conflict with state or federal statutes.*
- ▶ Most jurisdictions choose to adopt by reference.

When should you use WAC 173-350-021 the determination of solid waste?

- ▶ When operations at a site appear to be solid waste handling, but the operator refutes applicability of rule
- ▶ When storage of processed material may be having environmental or human health impacts (runoff, odors) or material stockpiles are growing and the operator claims the materials are products
- ▶ When assessing if a recycling facility now falls out of regulatory authority because it is only purchasing recycled commodities
- ▶ There is NO EXPECTATION OR NEED to use the determination tool to assess every stream entering or leaving a regulated facility!!!
- ▶ The determination tool may only be applied to operations at sites in your jurisdiction. The tool is not an unchanging categorization of material carried from site to site and county to county!

What should JHDs do about soils?



- ▶ The definition of contaminated soil is now based on compliance with MTCA for the location where the soil will be placed
- ▶ Street sweepings, vector waste, and engineered soils are presumed contaminated unless proven otherwise
- ▶ Soils have mostly been self-managed up until now, and will continue to be so
- ▶ Only if a facility is routinely managing contaminated soils (street waste facilities) or a proposed use or origin is in question do you need to request testing results or proof of due diligence
- ▶ JHDs have no responsibility to assess all soil generated in the county!

What should health staff do now?

Get familiar with the new rule WAC 173-350

Talk to your Ecology regional facilities specialist about any questions you may have

Keep notes on the rule revisions as you are making site inspections

If you see areas that may not meet the new standards, discuss with the facility operator

Review permits and plans of operations of any facilities you think may need to make changes

Contact facilities operators **AS SOON AS POSSIBLE** to get them working on whatever actions they may need to take



How can Ecology help?



- ▶ We can answer rule question by phone or email
- ▶ We can travel to your county for one-on-one training with staff
- ▶ We can meet with you and facility operators to discuss options for compliance
- ▶ We can accompany you on site inspections
- ▶ We can take direct enforcement actions against non-compliant exempt facilities

A row of blue recycling bins is shown in a perspective view, receding into the distance. A solid blue horizontal bar is overlaid across the middle of the image, containing the word "Questions?" in white, sans-serif font. The bins have handles and some have labels, though the text on the labels is not legible.

Questions?