



Focus on Incineration

Air Quality Program

Proposed rule amendment

Solid Waste Incinerator Facilities, Chapter 173-434 WAC

Solid waste incinerators in Washington State are regulated by Chapter 173-434 of Washington Administrative Code (WAC), Solid Waste Incinerator Facilities. This WAC establishes emission standards, design requirements, and performance standards for these facilities. It applies to facilities that incinerate more than 12 tons of solid waste per day.

There are at least four facilities in Washington that burn more than 12 tons per day of solid waste. They are located in Tacoma, Everett, Seattle and Spokane.

Regulations for the Tacoma and Seattle facilities are enforced by the Puget Sound Clean Air Agency, while the Spokane facility is regulated by the Spokane County Air Pollution Control Authority. The Everett facility is regulated by the Department of Ecology.

“Solid waste” includes garbage, ashes, industrial wastes, swill, demolition and construction wastes, and abandoned vehicles or their parts. It can also include discharge from septic tanks and dangerous wastes. Solid waste incinerators are a source of air pollutants such as dioxin, mercury, and sulfur dioxide.

Proposed rule amendments

The Department of Ecology (Ecology) is proposing to amend Chapter 173-434 WAC for solid waste incinerator facilities. The proposed amendments would exempt most creosote-treated wood, and would exempt existing practices at cement kilns. For new facilities, they would also replace existing rule requirements with the federal Environmental Protection Agency’s more stringent waste-incinerator rules (found in 40 CFR, Part 60, Subpart Eb). Existing facilities are encouraged to "opt in" to the federal rules.

Using the federal rules would result in significantly tighter controls on incineration of solid waste, including municipal solid waste. It would also mean that the rules would apply to a wider range of facilities. Under certain specified conditions, burning of creosote-treated wood would no longer be covered by this regulation as a result of these amendments. Burning of creosote-treated wood would still be regulated under other rules. Cement kilns would be allowed to continue certain regulated past practices.

What is the reason for the proposed amendments?

The proposed amendments replace design and operation requirements with emission limits for solid waste incinerator facilities.

The public comment periods on the rule amendments and on including the amendments in the SIP are open from June 22 - July 29.

You may submit comments to Steve Cross at Dept. Ecology Air Quality Program, POB 47600, Lacey, WA 98514, or at rulescomments@ecy.wa.gov, or at fax 360-407-7534.

A public hearing on the amendments will be held at 7 p.m. on Tuesday, July 22 at the Tacoma-Pierce County Health Dept., 3629 South "D" St., Tacoma, Wash. A public hearing on inclusion of the amendments in the SIP will follow immediately thereafter.

You can obtain a copy of the proposed rule amendments from Steve Cross or at <http://www.ecy.wa.gov/laws-rules/activity/wac173434.html>

To have your name placed on a mailing list for notice of this hearing or to ask questions, call Steve Cross of Ecology’s Air Quality Program, at 360-407-6875, or e-mail him at stcr461@ecy.wa.gov

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This means that instead of regulating a facility based on the way it was built and how it operates, agencies would regulate it based on how much air pollution it emits. Ecology believes this is a more effective and practical way to manage solid waste incinerator facilities because it focuses on limiting their emissions of air pollutants, while allowing facilities to have more flexibility in the way they operate. This represents a change from a more prescriptive to a more performance-based approach.

This amendment would also establish limits for some substances not addressed in current regulations.

The proposed amendments exempt the burning of creosote-treated wood because the substances emitted by this type of burning are already addressed by other regulations. This exemption eliminates redundancies in the regulations. The proposed amendments exempt existing practices at cement kilns, as these have not previously been regulated under Chapter 434 anyway.

What facilities would be affected by the proposed amendments?

Affected facilities include those currently subject to Chapter 173-434 WAC. Affected facilities in Washington include the Tacoma Steam Plant in Tacoma and the Kimberly-Clark plant in Everett. The Spokane waste to energy facility may choose to opt in to the alternative regulatory scheme of the federal rules. Applicability to the cement plants, which are located in Seattle, is specified.

The proposed amendments would impose stricter emission limits on the Tacoma Steam Plant. They would eliminate overlapping and redundant regulations for the Kimberly-Clark plant by exempting requirements for burning of creosote-treated wood. Emissions from the burning of creosote-treated wood would be regulated through limits set on sulfur emissions in Kimberly-Clark's permit. Cement kilns, such as Ash Grove, could continue to incinerate tires and use certain raw materials without being regulated under Chapter 434.

How can I comment on this proposed rule amendment?

Public comments can be submitted at the hearing or at any time throughout the comment period. An additional hearing will also address adding the amended regulation to the State Implementation Plan (SIP), which is a statewide plan for meeting air quality standards.

Contacts for more information:

- Steve Cross, Department of Ecology Air Quality Program, 360-407-6875, stcr461@ecy.wa.gov
- Alan Butler, Puget Sound Clean Air Agency, 206-343-8000, alanb@pscleanair.org
- Roylene Cunningham, Environmental Protection Agency, 206-553-0513, Cunningham.roylene@epa.gov

If you require this publication in an alternative format, please contact Bari Schriener at (360) 407-6998 (Voice) or (TTY) at 711 or 1-800-833-6388.