



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

# **Rule Implementation Plan**

## **Chapter 173-350 WAC -**

### **Solid Waste Handling**

### **Standards**

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## Publication and Contact Information

This report is available on the Department of Ecology's website at <https://fortress.wa.gov/ecy/publications/SummaryPages/1807015.html>

For more information contact:

Solid Waste Management Program  
P.O. Box 47600  
Olympia, WA 98504-7600  
Phone: 360-407-6900

Washington State Department of Ecology – [www.ecology.wa.gov](http://www.ecology.wa.gov)

- Headquarters, Olympia 360-407-6000
- Northwest Regional Office, Bellevue 425-649-7000
- Southwest Regional Office, Olympia 360-407-6300
- Central Regional Office, Union Gap 509-575-2490
- Eastern Regional Office, Spokane 509-329-3400

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# **Implementation Plan**

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*Chapter 173-350 WAC*

*Solid Waste Handling Standards*

Solid Waste Management Program  
Washington State Department of Ecology  
Olympia, Washington

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## **Purpose**

The Washington State Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

## **Introduction**

On August 1, 2018, Ecology adopted amendments to Chapter 173-350 WAC Solid Waste Handling Standards (AO # 13-08). The purpose of this rule implementation plan is to inform those who must comply with WAC 173-350 about how Ecology intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

## **Implementation and Enforcement**

Unlike many other Ecology rules, local jurisdictional health authorities are the lead entities for implementation and enforcement of the Solid Waste Handling Standards, under local ordinances. Ecology's role is primarily one of oversight and technical assistance. Training local government staff will be essential to successful implementation of the revised rule. Some local governments automatically adopt the newest version of state regulations into their ordinances. In other cases, local jurisdictions will have to revise their ordinances. The rule does not address either local funding, or local decisions on implementation and enforcement priorities.

This rulemaking concluded after four and a half years, during which time we worked closely with stakeholders. The rule covers a broad range of topics, which necessitated coordination with multiple work groups spanning the full spectrum of stakeholders. We also involved many Solid Waste Management Program staff with appropriate technical expertise. We made many substantive changes throughout the rule, as well as significant reorganization to improve clarity and readability. Ecology received requests from stakeholders for training and guidelines, and we are planning to provide both using Solid Waste Management (SWM) Program technical staff that

were involved in rule development. Training we offer will vary based on the kind facility, and the needs of operators and local jurisdictional health staff, but will include one centrally located statewide training event and small regional trainings

The rule is immediately effective for any *new* facility. Existing facilities have from twelve to twenty-four months to meet requirements, and with approval may request up to two six-month extensions if there are delays in obtaining other permits.

Following adoption, Ecology will hold an open-invitation solid waste management conference in late September, to include an overview of changes to the rule. Ecology will also hold training events on both sides of the state, tailored and appropriately focused for specific stakeholder groups. We will also update existing forms and guidance, and prepare new guidance as needed.

## **Informing and Educating Persons Affected by the Rule**

The audience for this rule consists of Ecology staff, solid waste professionals, local governments, and the environmental community. These groups include local health departments, solid waste utilities, public and private owners and operators of solid waste facilities (including, but not limited to transfer stations, materials recovery facilities, piles facilities, landfills, and moderate risk waste facilities), professional organizations, and recyclers.

This rule process began in 2013. Ecology did extensive outreach to stakeholders throughout the rulemaking process. We have worked to inform key stakeholders regarding changes to the rule. The following activities helped inform affected persons about the rulemaking:

- We used the agency WAC Track ListServ to notify stakeholders at critical points in the rulemaking process.
- The SWM Program maintained and used a ListServ with about 800 members to update affected persons about the rulemaking, as well as encourage participation in rule development.
- We assembled subcommittees of agency staff and external stakeholders for specific sections of rule development, and held numerous meetings through the process.
- We created a website to track and inform stakeholders about the rule process, including the work of subcommittees.
- We held three public workshops across the state during drafting.
- We held hearings with informational meetings at four locations over two days prior to rule adoption.
- Staff made presentations to professional organizations at conferences and events.
- We released two preliminary drafts for review and comment before the rule was formally proposed.

With the exception of new facilities, there is a period of 12 to 24 months for facilities to come into compliance with the new rule. This gives the program time to gauge stakeholder needs before scheduling actual training events. Feedback from the September 2018 program solid

waste conference will be key to defining training needs. After adopting the rule, the program plans to conduct the following activities to help educate and inform affected parties:

- We have scheduled an open invitation solid waste conference in September 2018, to inform stakeholders of changes to the rule.
- Staff will present at solid waste professional and health agency conferences and meetings, statewide solid waste advisory committee meetings, and industry specific meetings as opportunities arise.
- The program will conduct training events on both sides of the state. Alternate formats are being considered:
  - Full-day workshops with a half-day for jurisdictional health staff, and a half-day for facility operators.
  - Consecutive two-day workshops, allowing up to a day for each group.
  - Workshops focused on specific issues and audiences, driven by further stakeholder requests.
- We will notify stakeholders and/or post information to our program web site as we update guidance.
- Regional SWM Program planners will notify their local government stakeholders. As SWM planners review local comprehensive solid waste management plans, they will ensure references and management requirements are up to date. Once the plans incorporate the references and discussions about the new rule, the plan will serve as a general educational tool for interested parties.

## **Promoting and Assisting Voluntary Compliance**

Ecology will promote and assist voluntary compliance primarily through training and being available to offer ongoing technical assistance. Ecology will hold training events as discussed in the previous section. Program staff are always available to explain requirements of the rule to local health authorities and regulated stakeholders. We will develop and provide guidance as needed, and have made a specific commitment in that regard for the management of contaminated soils.

Ecology does not have direct enforcement responsibility for most of the solid waste rules. Where we do, we prefer to work from a compliance assistance perspective until that approach has been exhausted. We encourage local jurisdictional health authorities to work with stakeholders to achieve compliance, and for the most part that is the general approach taken at the local level. Decisions regarding compliance enforcement remain at the discretion of local authorities except for a few provisions in the rule such as Ecology oversight of exempt facilities and annual reporting

## **Evaluating the Rule**

Feedback from local governments will be the key gauge of the effectiveness of the rule. Ecology staff have daily interaction with local jurisdictional health authorities and regulated stakeholders

across the state. We also meet periodically with stakeholder organizations and associations, local solid waste advisory committees, and a State Solid Waste Advisory Committee comprised of a cross section of stakeholders. The best gauge of the success of this rulemaking will be in the feedback from local health jurisdictions that implement the rule, and stakeholders subject to the requirements of the rule.

Many of the benefits of this rule amendment are generally qualitative in nature. The rule is better and more consistently organized. That will benefit all who use it, but as an outcome that is difficult to measure. After a period, Ecology may conduct a survey to assess satisfaction with changes in the rule, and to identify areas that need further attention.

Ecology will be working closely with stakeholders who manage contaminated or potentially contaminated soils related to construction, particularly roadway maintenance and improvement projects. Some stakeholders, particularly those involved in road construction and maintenance, have expressed significant concerns with the cost and potential delays associated with changes in the rule. Staff will be able to assess the success of rule changes in this area through interactions with stakeholders, and to make recommendations if the approach turns out to have unidentified shortcomings.

After effective dates have passed for all facilities (approximately two years post-adoption), we may be able to evaluate effectiveness based on the number of permitted and conditionally exempt facilities recorded in program databases as compared to numbers at this time. There are certain limitations – current data quality and the fact that some changes would occur regardless of rule adoption. If staff observe an apparent significant change, we will attempt to determine if there is a correlation to implementation of the revised rule.

Ecology did not know at the time of rule proposal if any facilities were storing tires in enclosed structures. We will look at numbers in the future to see if the amended rule “captures” any such facilities, resulting in improved implementation.

A requirement for obtaining a solid waste permit is that all other permits are in order. Because of backlogs in some local permit processes, this may present a challenge for existing facilities that have not been subject to permitting. The adopted rule allows for up to two, six-month extensions (with Ecology approval). It may be useful to assess whether stakeholders took advantage of this provision, and if the length of extension was adequate.

## **Training and Informing Ecology Staff**

Solid Waste Management Program staff worked with other Ecology programs throughout this rulemaking process. SWM Program staff do not believe this rulemaking warrants a specific effort to educate staff in other programs. We may publish an item in the Inside Ecology newsletter, with information on the most significant changes, and identify program staff to contact for questions. SWM Program staff will also update staff they worked with in other Ecology programs to let them know we have adopted revisions to the rule, and will coordinate with other programs to revise or develop guidance as appropriate.

The SWM Program technical staff who implement the rule were heavily involved in its development. Training within the program will be peer-to-peer, with information exchange facilitated by program job-alike work groups that meet regularly.

## **List of Supporting Documents that May Need to be Written or Revised**

During rulemaking, Ecology committed to developing guidance needed to support implementation of the revised rule. The highest priority is new guidance for the management of contaminated or potentially contaminated soils based on it being of greatest concern to stakeholders.

Other guidance and some forms will also require updating. Lead staff will prioritize these tasks based on the nature and extent of revisions required, and on the immediacy of need. The Solid Waste Management Program will coordinate with other programs on guidance development, as needed, and share draft guidance with stakeholders as it is developed.

We will need to update the following forms and replace them on the program web site:

- Permit application
- Exemption notification
- Annual report

The program has identified the following guidance that will require further review, and may need to be updated to reflect changes in the adopted rule.

*Guidance for Groundwater Monitoring at Landfills and Other Facilities Regulated under Chapters 173-304, 173-306, 173-350, and 173-351 WAC. WDOE 12-07-072.*

*Frequently Asked Questions about Moderate-Risk Waste Collection Facilities; Implementation of Chapter 173-350-360 WAC. WDOE 03-07-022.*

*2012 Stormwater Management Manual for Western Washington, as Amended in December 2014 (The 2014 SWMMWW) - Appendix G of Volume IV. WDOE 14-10-055.*

*Stormwater Management Manual for Eastern Washington -Appendix 8B. WDOE 14-10-076.*

*Guidance for Remediation of Petroleum Contaminated Sites WDOE 10-09-057.*

In addition, we may need to prepare guidance on the following:

- Acceptability of off-spec material at inert waste landfills.
- Exemptions for wood waste and concrete.
- Individual material streams versus co-mingled material streams.
- Relationship between Table 210-A and Table 320-A.

## More Information

The website for this rulemaking is at: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-350-Nov13>

The website for Ecology's solid waste management activities is located at: <https://ecology.wa.gov/Waste-Toxics/Solid-waste-litter/Solid-waste>

## Contact Information

Regional staff are responsible for implementation of this rule. The solid waste facility specialists listed below are the first line of contact for facility operators and local jurisdictional health authorities in their respective regions:

Central Regional Office  
1250 West Alder Street, Union Gap, WA 98903-0009  
Kimberly Sarver  
509-575-2837  
[kimberly.sarver@ecy.wa.gov](mailto:kimberly.sarver@ecy.wa.gov)

Eastern Regional Office  
4601 N. Monroe, Spokane, WA 99205-1295  
Marni Solheim  
509-329-3438  
[marni.solheim@ecy.wa.gov](mailto:marni.solheim@ecy.wa.gov)

Northwest Regional Office  
3190 160th Ave. SE, Bellevue, WA 98008-5452  
Dawn Marie Maurer  
425-649-7192  
[dawnmarie.maurer@ecy.wa.gov](mailto:dawnmarie.maurer@ecy.wa.gov)

Southwest Regional Office  
300 Desmond Dr SE, Olympia, WA 98503  
PO Box 7775, Olympia, WA 98504-7775  
Derek Rocket  
360-407-6287  
[derek.rocket@ecy.wa.gov](mailto:derek.rocket@ecy.wa.gov)

For questions about the actual rulemaking process, or if you cannot reach a regional facility specialist, contact:

Kyle Dorsey  
300 Desmond Dr SE, Olympia, WA 98503  
PO Box 47600, Olympia, WA 98504-7600  
Olympia, WA 98504-7600]

360-407-6559  
kyle.dorsey@ecy.wa.gov