



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

As required by the Washington State Administrative Act,
Chapter 34.05 RCW

IMPLEMENTATION PLAN FOR THE ADOPTION OF
Chapter 173-350 WAC,
Solid Waste Handling Standards

January 8, 2003

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Prepared by:

Washington State Department of Ecology
Solid Waste and Financial Assistance Program

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Implementation Plan for Chapter 173 - 350 WAC, Solid Waste Handling Standards

- I. Please describe how the Agency intends to implement and enforce the rule. Please include a description of the resources the Agency intends to use.**

There will be moderate increases in workload at both the regional and headquarters staff level as a result of the rule changes. The workload increases at the regional level are expected to occur within the first two years following state adoption. After the initial increase, workload levels should decrease to a level similar to current levels. This is due primarily to jurisdictional health departments becoming more familiar with the new requirements. It can also be expected that a limited amount of regional staff time will be needed to support an on-going rule revision process. These revisions have not yet been specifically identified.

The headquarters workload is also expected to increase during the first two years, followed by a slight decrease in year three because of a decline in beneficial use applications. It is also expected that any rule revision projects will be coordinated out of HQ, resulting in a slight increase of staff time in HQ to support that.

Attachment A depicts projected workload increases needing to be addressed through resource reallocation or additional FTEs.

Regional

Rule Interpretation Technical Assistance Requests

Regional staff will receive an increase in technical assistance requests from jurisdictional health departments regarding rule implementation. Requests can be expected to as much as double current levels for the first two years of rule implementation, followed by a decline to current levels in year three.

Local Ordinance Review and Technical Assistance

All jurisdictional health departments must adopt local ordinances implementing the new rule, or adopt the new rule by reference within one year of its adoption by the state. Regional staff will be expected to review the local ordinances to ensure conformance with state requirements. Technical assistance requests are also expected to result from this requirement. All ordinances are required to be enacted within one year of the state's adoption of the new rule.

Permit Review

As a result of the new rule, regional staff will experience a temporary increase in permit applications for one to two years as facility owners and operators attempt to come into compliance with new standards, and as facilities not able to come into compliance enter closure. Also, the new rule formalizes a permit amendment process, which results in a permanent level of additional paper work for regional staff to process.

Field Inspections

Field work will temporarily increase for regional staff over the next one to two years in an effort to ensure that facilities are meeting the new requirements through joint inspections with jurisdictional health departments.

Headquarters

More significant targeted workload increases will occur at headquarters immediately following rule adoption in order to perform the following functions:

- Review, organize and coordinate comments, and make determinations on statewide applications for beneficial use exemptions.
- Distribute permit and exemption application forms. The forms are on the Ecology Website. We anticipate this will meet the needs of most applicants.
- Manage a statewide notification process/register for permit and exemption applications.
- Track location and activities of exempted facilities.

It is also the program's intent to conduct on-going rule revisions to keep the rule current.

II. Please describe how the Agency intends to inform and educate affected persons about the rule.

Our audience is comprised of internal staff, solid-waste professionals, local government and the environmental community. These groups include local health departments, solid-waste utilities, public and private operators of solid waste facilities (including, but not limited to transfer stations, landfills, compost facilities and moderate risk waste facilities), professional associations, and recyclers.

From the beginning of the rule process an extensive public participation program was implemented to improve the final product. This process has proved useful in educating affected persons about the rule prior to adoption. The following activities initiated during rule development helped inform and educate affected persons:

- A large mailing list was maintained and used to notify affected persons about the project and the process, as well as encourage participation in rule development.
- Regional and statewide newsletters were used to publicize the process.
- Both an established statewide advisory committee (State Solid Waste Advisory Committee) and an external committee formed specifically for this process were used in developing the rule.
- An internet web site chronicled the work of committees and subcommittees, and a new website containing all the forms will be up and running when the new rule becomes effective.
- Open houses and public informational meetings were conducted prior to rule adoption.
- Approximately 10 formal presentations were made to professional organizations at conferences and gatherings regarding the rule.

- Regional planners for the program have used their frequent attendance at county solid waste advisory committee meetings to inform and update county and city staff, health agencies and interested parties about the on-going rule revision process.
- Regional offices have directly engaged Health Department and Public Work Departments, providing information on the new rule and scoping out future workload issues resulting from implementation of the rule.

After the rule is adopted, the program intends to conduct the following activities to help educate and inform affected parties:

- Regional workshops for both key internal staff and jurisdictional health departments. These audiences will be combined to improve external communication and mutual understanding of the rule.
- Opportunities to present at solid waste professional and health agency conferences and meetings, and local solid waste advisory committee meetings will be actively sought out by staff.
- Regional planners will ensure that local government staff is aware of the new rule by reviewing local comprehensive plans which include a required enforcement element. Once the plans incorporate these new references and discussions, the plan also serves as a general educational tool for local residents on the rule's impact.
- The program is currently updating the state solid waste management plan, which will reference the new regulations.

III. Please describe how the Agency intends to promote and assist voluntary compliance for this rule.

Voluntary compliance will be promoted in several ways; some are built into the statute and rule while others will result from assistance provided by the Agency and jurisdictional health departments. One of the key elements in promoting voluntary compliance is the lead role played by local government as intended by the legislature. Many of the facilities subject to the rule are owned or operated by local governments which have a good record in this regard. Secondly, the jurisdictional health departments provide a local source of technical assistance and oversight.

The rule was developed with the intent to encourage voluntary compliance as much as practicable. Various provisions in the rule provide incentives for owners and operators to voluntarily conform to the requirements:

- The rule conditionally exempts certain types of low impact operations from the requirement to obtain a solid waste handling permit, provided the owner or operator complies with certain terms and conditions. This provides owners and operators with a meaningful incentive for voluntary compliance with the terms and conditions. Also, the rule provides for the Agency to issue specific state-wide permit exemptions for the beneficial use of solid waste through an application process. Again, once such an exemption is granted, the applicant will have an incentive for voluntary compliance to maintain exempt status for the

beneficial use.

- The provisions in the rule are intended to protect the public good. Compliance with the rule will prevent an owner or operator from being subject to complaints and actions by the public. These include such basic requirements as litter and nuisance odor controls and extend to critical concerns such as the protection of drinking water, other resources, and public health.
- The technical location, design, and operation elements in the rule were developed to protect ground water, surface water, soils, and sediments from harm. Voluntary compliance with these provisions are intended to avoid contamination of the environment and the associated costs to owners and operators for cleanup or other corrective measures.

The Agency will provide technical assistance to jurisdictional health departments, owners or operators of solid waste handling facilities, and other affected parties to ease and encourage voluntary compliance with the rule. The types of technical assistance include rule interpretation, background information, and specialized assistance with engineering and hydrogeology. Affected parties will have access to technical assistance through one-on-one communication, pre-application meetings, permit application reviews, site visits, and workshops and presentations.

While implementation of the rule relies primarily on voluntary compliance, jurisdictional health departments and/or the Agency maintain inspection and enforcement authorities to ensure compliance when necessary.

IV. Please describe how the Agency intends to evaluate whether the rule achieves the purpose for which it was adopted, including to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcome.

The prime objectives of the revision were to:

- 1. Incorporate existing policy and guidance into rule***
- 2. Streamline the permit process; and***
- 3. Remove impediments to recycling.***

Objective 1 can be measured immediately. All of the program's Technical Information Memoranda (13) were reviewed and evaluated for incorporation into the rule. Those that are not incorporated will be rescinded. Three agency guideline documents addressing composting and moderate risk waste were incorporated into the rule.

While possibly not a direct correlation, objectives 1 and 2 can be measured by the recycling rate in the state. A streamlined process or exemption process should result in a less burdensome approval process, further encouraging recycling opportunities. Objective 2 can

also be measured by the number of applications reviewed and the number of exemptions issued for beneficial use exemptions and permit deferrals. The number of recycling facilities operating under exemptions by rule can also be monitored for measuring both objectives 2 and 3.

The effectiveness of this effort can also be measured by:

- 1) The number (or percentage) of health departments that adopt the regulation within one year of Ecology's rule adoption.
- 2) The percentage of 304 permits successfully transitioned to 350 permits.
- 3) The number of non-compliant 304 facilities closed.
- 4) Ecology is fully available to provide technical assistance to local governments and facilities, and all forms, databases and training are prepared.

V. Please describe how the Agency intends to train and inform Ecology staff regarding new rule or rule amendment.

At the beginning of the rule revision process, Ecology programs were asked to designate staff contacts for review and comment on the initial draft of the rule. This process resulted in several informal meetings between programs on rule issues. All Ecology staff had the opportunity to review and comment on the final public draft of the rule prior to finalization. Ecology staff were informed of public informational meetings and open houses to learn more about the rule. The program will also hold joint meetings between SW&FAP staff and jurisdictional health department staff addressing rule implementation, beginning in January 2003.

An internal working group comprised of members representing each of Ecology's four regions plus headquarters have been meeting to develop the program for the implementation of the new rule. These individuals have provided valuable links back to their home office to both educate staff and bring back questions to the group.

Ecology staff were offered a full day training in December of 2002 for an overview of the proposed rule, with 60 staff attending. The various SWFAP JAGs (Job alike groups) have been actively involved in sharing information about the rule and helping craft language changes.

VI. Please identify supporting documents that may need to be revised because of the rule amendment. Or Identify new supporting documents that need to be developed because of a new rule.

The state solid waste management plan is currently being amended and will reflect the changes to the rule. Ideally, the plan will eventually drive the content of this rule. Once the plan is adopted, the rule will be scheduled for revision once again, and the state plan and its updates will provide the impetus for all future rule revisions.

The following Technical Information Memoranda were reviewed for incorporation into the rule. Some were never finalized and remain in their draft form.

<i>TIM</i>	<i>TITLE</i>
86-1	Vertical Expansion
86-2	Sewage Treatment Sludge
88-1	Criteria for the Evaluation of Variances
88-2	Upper Most Aquifer
88-3	Creosote Treated Wood
89-1	Vadose Zone Monitoring
90-1	Landfill Gas Condensate Mgt.
91-1	Interim Implementation Policy, Groundwater Quality Standards
91-2	Wetlands
92-2	Petroleum Contaminated. Soils
92-3	Sewage Treatment Sludge (Revised version of TIM 86-2)
93-1	Recycling Glass Cullet
90-2	Inert/Demolition Wastes (Draft)
90-3	Liner Construction over Existing Refuse (Draft)
91-3	Variance from Wetlands Standards (Draft)
96-1	Contingency Funding (Draft)

All Technical Information Memoranda will be rescinded through direct communication with permit holders and jurisdictional health departments.

Guidelines

A decision still needs to be made whether the existing technical guidelines will be updated and made available, or if we need to take action by informing stakeholders that the guidelines are no longer valid and will no longer be published.

The concept involved in the update of solid waste planning guidelines was to add addenda to the publication as the landscape changed. The new rule would require the distribution of such an addendum.

Forms

The following forms were either required by the proposed rule or were developed as tools for technical assistance:

- General Application for Beneficial Use Exemption
- Composting Facilities
- Land Application
- Energy Recovery and Incineration
- Piles for Treatment or Storage
- Surface Impoundments and Tanks
- Waste Tire Storage Site

- Moderate Risk Waste Facilities
- Limited Purpose Landfills
- Inert Landfills
- Municipal Solid Waste Landfill Unit
- Groundwater Monitoring Requirements
- Solid Waste Permit Application
- Intermediate Solid Waste Handling Facility (Transfer Station, baling and compaction sites and drop boxes)
- Checklist for Financial Assurance Review (separate checklists for WAC 173-304, 173-306, 173-350, 173-351)
- Directions for Financial Assurance Checklist
- Comparison of 304 and 350, with notations on where 304 has been carried over, and where new language has been developed.
- Comparison of Definitions or 304 vs. 350, with notations to where definitions remained the same, where they are the same, and where new definitions have been added.

Attachment A

<i>Activity</i>	<i>Additional Regional Workload FY 02</i>	<i>Additional Regional Workload FY 03-04</i>	<i>Additional Headquarters Workload FY 02</i>	<i>Additional Headquarters Workload FY 03-04</i>
Rule interpretation and technical assistance		.5	.1	.25
Local ordinance review and technical assistance		.2		.05
Permit and permit amendment review		.4		.1
Beneficial use application coordination and review	.05	.2	.25	.25
Permit application notification process	.05	.2	.5	.25
Field inspections	.1	.2		.05
On-going rule revision	1.0 (Approximates current level of effort)	.2	.5	.25
Education/information		.1	0	.1
Total projected FTE increase or redirects compared to current levels	1.20	2.0	.45	1.3

[This table is designed to graphically illustrate the potential workloads and the potential tasks, and represents gross estimates only. The division between regional and headquarters workload will be determined as implementation proceeds.]