



Rule Adoption Notification

Solid Waste Incinerators, Chapter 173-434 WAC

As a result of legislation passed in 2003 (ESSB 5766), Ecology is required to send out notification to businesses affected by rule adoptions. To comply with this law and keep the regulated community better informed of Ecology rule adoptions, this notification is designed to explain our recently-adopted rule on solid waste incinerators.

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Online visit:

<http://www.ecy.wa.gov/laws-rules/activity/wac173434b.html>

Sign-up for WAC Track

Ecology's e-mail notification system that will let you know when new information is posted to Ecology's Laws and Rules Web site. We will notify you of rule making activities prior to their publication in the Washington State Register.

To join, go to:

<http://listserv.wa.gov/archives/ecowactrack.html>

Requirements of the Rule

[Chapter 173-434 WAC](#), Solid Waste Incinerator Facilities, regulates incineration of solid waste, including MSW (municipal solid waste), other than creosote-treated wood. This notice could be of interest to anyone incinerating 12 tons per day of solid waste. The definition of solid waste is written to be broadly inclusive, though it does exclude creosote-treated wood, wood waste, waste water treatment plant sludge, and tires and waste oil incinerated in cement-plant kilns.

Summary of the rule changes adopted Dec. 22, 2003

Ecology has amended [Chapter 173-434 WAC](#), Solid Waste Incinerator Facilities. The amendments tighten the controls over incineration of solid waste, including MSW (municipal solid waste), other than creosote-treated wood. The amendments prospectively tighten emission limits from existing Chapter 434 to those of the EPA's most stringent waste incinerator rule, 40 CFR 60 subpart Eb. The state rule would extend the applicability of the EPA's rule to a wider range of facilities. The rule no longer includes creosote-treated wood in the amount of solid waste that triggers the applicability of WAC 170-434. The amendments recognize the *de facto status quo* of incineration practices at cement plants.

More information and an explanation of the rule amendments and the responses to comments received during the public comment period are contained in the [Concise Explanatory Statement](#) for the Chapter 173-434 WAC, Solid Waste Incinerator rule amendments.

The newly adopted language:

- creates an exemption from chapter 434 for creosote-treated wood,
- creates an exemption from chapter 434 for tires and waste oil at cement plants,
- allows facilities already subject to chapter 434 the option of achieving compliance through the requirements of EPA's subpart Eb rather than those of chapter 434,

- replaces the compliance regime of 434 with that of EPA's subpart Eb for future activities that meet certain applicability criteria (excluding cement plants), and
- makes a number of updates, editorial changes, and technical amendments.

Effective Date

This amendment to chapter 173-434 WAC becomes effective on January 22, 2004.

Appeal Procedures under RCW 34.05.330

For additional information about appealing this adoption please contact Jerry Thielen, Ecology's Regulatory Affairs Manager. He can be reached at (360) 407-7551 or at jthi461@ecy.wa.gov.