



# Focus on **Certifying Solid-Waste Incinerator and Landfill Operators**

from Ecology's Solid Waste & Financial Assistance Program

*Ecology reviewed its rule concerning the certification of incinerator and landfill operators (Chapter 173-300 WAC) and found unclear language that could lead to misinterpretation or confusion.*

*Ecology is amending the rule to clarify that other agencies or organizations can be authorized by Ecology to train operators and certify programs that meet the requirements of the law (Chapter 70.95D RCW).*

## **For more information:**

Online visit:  
<http://www.ecy.wa.gov/programs/swfa/nav/cert.html>

## **Introduction**

The state Department of Ecology (Ecology) is authorized by state law to allow other agencies or organizations to certify incinerator and landfill operators.

The law, Chapter 70.95D Revised Code of Washington (RCW), states that: "The department shall establish a process to certify incinerator and landfill operators. To carry out the provisions and purposes of this chapter, the director may: (1) enter into agreements, contracts, or cooperative arrangements, under such terms and conditions as the director deems appropriate, with other state, federal, or interstate agencies, municipalities, educational institutions, or other organizations or individuals".

Upon reviewing Chapter 173-300 of the Washington Administrative Code (WAC), "Certification of Operators of Solid Waste Incinerator and Landfill Facilities," the Ecology Department found the language unclear and might lead to misinterpretation or confusion. The agency decided to amend the rule to help the public understand that Ecology can authorize other agencies or organizations to train and certify operators as long as they meet the requirements of Chapter 70.95D RCW.

## **Purpose**

The amendment will make it clear that Ecology may arrange for external parties to certify landfill and incineration operators. A number of minor amendments to update the rule are also being proposed.

## **Process**

Because the proposed changes are procedural, Ecology is initiating an "expedited rule amendment."

The amendment was filed with the Code Reviser's Office on May 19. If there are no comments or objections within 45 days, the rule amendments will be adopted. The amendments will go into effect 31 days after the adoption date.

## **Background**

In January 2003, Washington's Solid Waste Advisory Committee agreed with Ecology's proposal to delegate landfill operator certification training, testing and recertification to the Solid Waste Association of North America, (SWANA). SWANA's training program and qualification requirements are consistent with Chapter 70.95D RCW specifications.

SWANA's nationally recognized certification program and training course for Managers of Landfill Operations (MOLO®) is offered throughout the United States and Canada. Since 1992, Ecology has accepted SWANA's MOLO® course to fulfill Washington state's landfill-operator certification requirements, as per WAC 173-300-090, "Training and Examinations."

## Changes

The primary change will be clarify that Ecology can authorize other agencies or organizations to train and certify operators as long as they meet the requirements of Chapter 70.95D RCW. Another benefit of the rule change would be to clearly state that program fees can be paid directly to an external organization contracted to administer the certification program. With Ecology's approval, the external organization could collect fees for services provided and Ecology would not separately charge fees.

The rule amendment would affirm Ecology's flexibility in using external organizations, but would not require Ecology to change current practices. The flexibility is expected to increase the access to meaningful training and testing in Washington.

Ecology and other interested parties agree that a qualified external organization administering all aspects of landfill-operator certification would better meet the objectives of RCW 70.95D.

Key proposed changes to the rule are:

- Addition of a new section, WAC 173-300-075, clarifying that Ecology can contract with external organizations for certification activities.
- Clarifying that Ecology would not collect application and certification fees if these services were performed by an external organization or agency.
- Addition of a definition of contractor in WAC 173-300-020.
- Clarifying the role and nature of the board of advisors (WAC 173-300-30).
- Several reference changes necessitated by changes to other solid-waste rules.

## Additional Information

For questions or to request additional information, please contact:

Marvin Vialle  
Department of Ecology-Solid Waste and Financial Assistance Program  
P.O. Box 47600  
Olympia, WA 98504-7600  
mvia461@ecy.wa.gov  
(360) 407-6999

Written comments should be submitted by July 19, 2004, to:

Jerry Thielen  
Department of Ecology-Rules Unit  
P.O. Box 47600  
Olympia, WA 98504-7600  
[Jthi461@ecy.wa.gov](mailto:Jthi461@ecy.wa.gov)  
(360) 407-7551

*If you require this publication in an alternative format, please contact the Solid Waste & Financial Assistance Program at (360) 407-6900 or TTY (for the speech or hearing impaired) 711 or 1-800-833-6388.*