From: Welhasch, Taisa (ECY) [twel461@ECY.WA.GOV]
Sent: Thursday, February 04, 2010 3:55 PM
To: Severn, Thea; SW Comp Plan Comments
Cc: Christiansen, Peter (ECY)
Subject: 2009 KC Draft CSWMP - Ecology Comments
Attachments: 2009 KC CSWMP Comments_Ecology.docx

February 4, 2010

Ms. Thea Severn

King County Solid Waste Division

201 South Jackson Street, Suite 701

Seattle, WA 98104-3855

Dear Ms. Severn:

Thank you for the opportunity to have an early look at the King County Draft Comprehensive Solid Waste Management Plan. By having this informal review process early, we can identify any big issues up front before you proceed with formal submittal.

To your credit, the plan is well written and there aren't any significant issues. The plan is forward thinking and user friendly. Our comments are attached.

If you have questions or need any clarification, please contact me at (425)649-7266 or at taisa.welhasch@ecy.wa.gov. I look forward to working with you and reviewing the preliminary draft plan in the next few months.

Sincerely,

Taisa Welhasch

Regional Planner & Grant Officer

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<<2009 KC CSWMP Comments_Ecology.docx>>

King County Draft Comprehensive Solid Waste Management Plan (Public Comment Period)

Designation of Recyclables:
RCW 70.95.010(7)(c) requires the plan to include a designation of what materials will be collected for recycling. Ecology applauds King County's "Zero Waste of Resources" principle described in section 3-25; however, it is not clear if the list provided on pages 3-25-3-26 is the list of designated recyclables. Also, in order to provide greatest flexibility, it is highly recommended that the plan define a process for any proposed additions or deletions to materials on the static list. If a process for changing the list of recyclable materials is not described in the plan, a plan amendment would be required to modify the list of recyclables. Clarifications should be made in Chapter 3.

There are several reasons to work flexibility into the plan to allow additional materials to be designated as recyclable. If materials are not designated as recyclable, they remain a solid waste. That effectively shuts out anyone other than a G-certificated hauler from being able to transport that material. Also, if a material is not identified in the plan as recyclable, the ability of a person/company wanting to recycle that material and be able to benefit from an exemption to permitting under WAC 173-350 does not exist.

RCW 70.95 was amended by the Legislature in 2005 to require transporters of recyclable materials to register with Ecology. The regulation implementing this statute is WAC 173-345.

Inventory of Solid Waste Collection Programs:
The plan must include information about contract collection services in the incorporated areas, as well as all G-certificate information, (including population densities served and address and name of all G-certificated haulers.) Clarifications should be made in Chapter 4.

Enforcement:
RCW 70.95.090(4) requires the plan to address surveillance and control program development and implementation. A permitting and enforcement section similar to the one in the 2001 CSWMP would suffice. Applicable state and local regulations and ordinances should also be referenced. It is preferable to include local ordinances in the plan as an appendix.

Designation of Urban and Rural Areas:
RCW 70.5.092 requires the plan to include clear criteria for the designation of urban and rural areas. The process needs to be established that allows review and adjustment of urban and rural designations as needed.

Restoration of Closed Landfills/ Post Closure Monitoring and Maintenance:
On page 6-16, the last sentence of the 1st paragraph is not entirely accurate. Six of the nine closed landfills are listed on the Integrated Site Information System (ISIS) list which is part of the Model Toxics Control Act process. These landfills are awaiting ranking before placement on the Hazardous Sites List which would be the next step.

On page 6-16 in the 4th paragraph, the 3rd sentence regarding Hobart Landfill is not entirely true. There have been water quality exceedances in monitoring wells beyond the boundary of the slurry wall. Please revise this sentence to state its current status.

Beneficial Use:
We believe your side bar on page 3-23 on what is beneficial use can lead to confusion. There is the common vernacular on the street understanding the concept of what beneficial use is, and then there is the state's legal definition of beneficial use.
RCW 70.95 outlines the process for obtaining a beneficial use determination. WAC 173-350 further defines beneficial use as: "Beneficial use means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use."

Ecology made a policy decision that the use of C&D fines as daily cover is disposal, not recycling. Attached, is the letter that has been used to describe that policy.

Wilcowski.pdf

We would like to work with you on developing a better way to express what you are trying to get to without using the terminology "beneficial use" which is quickly becoming a loaded term.

Evidence of SWAC participation:
When submitting the final draft please include either a summary of participation similar to the one submitted with the 2001 CSWMP or include a link in the plan to the SWAC website and SWAC minutes.

Amendment Process:
The amendment process should be defined in plan. The plan should discuss how minor changes will be made to the document and define a process to determine if a change to any component of the plan would require falling into a plan amendment.

How the Plan Relates to Other Plans:
In the "Forward" section and on pages 1-3 and 1-5, reference is made to the several plans. It should be clarified that the 2009 CSWMP is a revision to the 2001 CSWMP.

Other Comments:
The plan has an ambitious goal for the diversion of organics. We applaud this effort. Other cities/counties in the region have also set ambitious goals for organics diversion. If all these programs were to come on line simultaneously and reach their projected success, the needed capacity for handling this large volume of organics might not be available. We believe the plan should acknowledge the need to work regionally on this and other recycling capacity issues, and a mechanism to track

capacity should be developed. Ecology is currently doing some work on identifying capacity, and you are welcome to mention that in your plan. Capacity at compost facilities and MRFs should be addressed.

The ILA states in section 10.7, 10.9 and 10.10, that in the case of disagreements, Ecology would be the arbiter. Ecology has not accepted that role, and we have previously expressed concerns over this. We would like these references to be removed the next time the ILAs are renegotiated.

We are concerned about the rising disagreement between King County and Snohomish County concerning the collection of solid waste from cities that straddle both counties. Ecology does not have an opinion to offer at this time as this appears to be a legal matter between your two counties. King County may want to consider what the solid waste system would look like if all boundary waste stayed with the county of origin vs. moved across county lines as spelled out in the ILAs you have with your cities.

On page 3-14, it is stated that "cities can apply directly to Ecology for a portion of the funds to support their own communities' WPR programs." Cities are not able to apply directly for Ecology funding through the Coordinated Prevention Grant Program. Cities must always coordinate with the county regarding allocation amounts and the application.

There have been a few legislative changes since 2001 that were addressed in the plan such as RCW 70.95N (Electronics Product Recycling) and RCW 70.93.093 (Public Events Recycling Law). Other changes that may also be considered in the plan are: an amendment to RCW 70.95 creating the Transporter Rule WAC 173-345 and SSB 5797 (Exemption from Solid Waste Handling Permit Requirements for Anaerobic Digesters).