

# Solid Waste Advisory Committee

## Regulatory Reference Guide

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Note: The attached is intended as a summary for reference use only. For details, refer to the referenced regulations and related regulations.

## **1.1 Regulatory Overview**

### **1.1.1 Federal Regulations**

Federal Resource Conservation and Recovery Act of 1976 (RCRA) and subsequent amendments regulate solid waste to:

- Protect human health
- Environment
- Valuable natural resources

Relevant RCRA sections are:

- Subtitle C - hazardous waste materials in quantities greater than small quantity generator (SQG) levels.
- Subtitle D - criteria for managing solid waste.
- Subtitle U - practices and facilities for solid waste management.

Superfund Amendments and Reauthorization Act of 1986 (SARA) regulates sites contaminated by releases of hazardous substances.

### **1.1.2 State Regulations**

Solid Waste Management-Waste Reduction and Recycling Act, Chapter 70.95 RCW sets the State's duties, through the Department of Ecology:

- Establish a statewide comprehensive plan for solid waste handling, recycling and waste reduction.
- Adopt and enforce minimum standards for solid waste handling.
- Provide technical and financial assistance to local governments to plan, develop, and implement solid waste handling programs.

Local government's duties are:

- Develop and adopt a 20-year comprehensive solid waste management plan.
- Update it at least every 5 years.

Chapter 173.350 WAC *Solid Waste Handling Standards* – performance standards for transfer stations, drop box sites, materials recovery, and composting facilities; clarifies waste management for contaminated soils, moderate risk waste, wood waste and sludge.

Chapter 173.351 WAC *Criteria for Municipal Solid Waste Landfills* - performance criteria for siting, designing, and monitoring of solid waste landfills.

## **1.2 Administration and Enforcement**

The Washington State Solid Waste Management Act, Chapter 70.95 RCW, assigns local

governments the primary responsibility for managing solid waste at the local level. Local health districts or departments are responsible for permitting solid waste facilities and enforcing solid waste regulations. The State is responsible for assuring effective programs are established throughout Washington State.

Solid waste handling includes the "*management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms*" (Chapter 70.95 RCW).

### **1.3 Regulations Affecting Solid Waste Collection and Disposal**

#### **1.3.1 Transfer Stations and Drop Box Sites**

Chapter 36-58-030 RCW defines transfer stations to include drop box facilities in counties with a population less than 70,000 and, for counties east of the Cascade Mountains, also between 125,000 and 210,000.

Title 36 RCW also allows counties to construct, own, operate and set fees for solid waste facilities, including drop box sites.

Chapter 173-350-310 WAC, *Intermediate Solid Waste Handling Facilities*, sets general performance standards for transfer facilities:

- Designed to protect the tipping floor from wind, rain or snow.
- Operate the facility in a manner that does not threaten human health or the environment.
- Comply with water quality standards.
- Conform to the local solid waste management plan.
- Do not violate air quality standards.
- Comply with all applicable local, State and Federal laws and regulations.

Drop boxes at drop box sites must be watertight with a lid or screen.

Definitions from chapter 173-350:

**"Drop box facility"** means a facility used for the placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. Drop box facilities normally serve the general public with loose loads and receive waste from offsite.

**"Transfer station"** means a permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from offsite into a larger transfer vehicle for transport to a solid waste handling facility.

### 1.3.2 Landfills

Chapter 173-351 WAC, *Criteria for Municipal Solid Waste Landfills*, sets the following standards:

- For new facilities - meet siting criteria for near airports, geologic hazards, transportation, water and air quality, etc.
- Comply with Subtitle D requirements (e.g., soil-geomembrane composite liner and leachate collection)
- Operate the facility in a manner that does not threaten human health or the environment.
- Comply with leachate treatment, surface water, groundwater, and air quality standards [*New Source Performance Standards* (40 CFR 60, Subpart W) and *Emission Guidelines* (40 CFR 60, Subpart C)].
- Have current site development, operations, closure and post closure plans.
- Have an environmental monitoring plan for surface water, groundwater, and landfill gas, as appropriate.
- Establish and maintain financial assurance to pay for landfill development, closure, and post closure plus environmental studies.
- Conform to the local solid waste management plan.

### 1.3.3 Waste-to-Energy

Energy recovery and incinerator facility standards (173-350-240 WAC and 173-350-040 WAC) include:

- Operate the facility in a manner that does not threaten human health or the environment.
- Comply with water quality standards.
- Conform to the local solid waste management plan.
- Do not violate air quality standards (Chapter 173-434 WAC).
- Provide for recyclables collection.
- Ensure dangerous wastes are not disposed, treated, stored, or otherwise handled at the facility unless permitted to do so.
- Dispose ash in a lined monofill.

### 1.3.4 Urban vs. Rural Designation for Recyclables Collection

The Waste Not Washington Act (ESHB 1671) requires Counties to develop criteria for designating areas as urban or rural, which dictates minimum levels of service.

- Urban areas - recyclables must be collected from single and multi-family residences.
- Rural areas - drop-off recycling or buy-back centers.
- Criteria include anticipated population growth, the presence of other urban services, density of commercial and industrial properties, and geographic boundaries and transportation corridors.

### 1.3.5 Collection

The WUTC regulates solid waste collection companies offering services in:

- Unincorporated areas
- Cities that choose to have the WUTC regulate these services.
- Does not include recyclable collection by private companies under contract to a county.

Municipalities can manage solid waste collection several ways:

- Contract for collection services for all or part of the municipality.
- Operate its own collection system for all or part of the municipality.
- May require mandatory collection within its jurisdiction.
- Require a WUTC-certified collector to secure a license from the municipality.
- Choose to not regulate collection within its jurisdiction, with collection provided on a voluntary basis by WUTC certified collectors.

Counties can:

- Establish solid waste collection districts for mandatory collection (Chapter 36.58A RCW), which cannot include municipalities without their consent.
- Control the waste stream in unincorporated areas (Chapter 36.58 RCW).
- Provide collection services only if the WUTC determines qualified private collection services are not available.

### 1.3.6 Special Wastes

Special wastes do not fit the definition of mixed municipal solid waste because of their origin or special handling requirements.

#### **Biosolids**

Chapter 173-308 WAC, *Biosolids Management*, defines biosolids as municipal sewage sludge and septage treated to meet biosolids standards. Biosolids are regulated as solid waste if disposed at a municipal solid waste landfill.

#### **Biomedical Wastes**

Biomedical wastes include:

- Infected animal waste
- Biohazardous microbiological cultures
- Highly communicable disease waste from certain viruses
- Pathological waste (i.e., human tissue)
- Sharps waste (e.g., needles, syringes, blades, and lancets)
- Items such as soiled dressings, sponges, drapes, and surgical gloves

Washington State does not have specific regulations for disposal of treated biomedical waste. Local health districts administer disposal regulations and provide guidance for biomedical waste. Most facilities producing biomedical waste have biomedical waste management plans describing transport, treatment, and disposal.

State and federal regulatory biomedical waste management requirements include:

- Used needles and sharps must be in puncture-resistant containers.
- Infectious waste must be marked with the universal biohazard symbol on orange labels. Red bags or red containers may be substituted for labels. Treated infectious waste need not be labeled or color-coded.
- Waste from infectious disease research laboratories and production facilities must be incinerated or decontaminated before disposal.
- Hypodermic needles from infectious research laboratories and production facilities must be decontaminated and placed in puncture-resistant containers.

### **Asbestos**

EPA regulates asbestos through the Asbestos Hazard Emergency Response Act (AHERA), which addresses asbestos in schools, and the National Emission Standards for Hazardous Air Pollutants (NESHAP), issued pursuant to the Clean Air Act. Asbestos waste is defined as materials containing more than 1% asbestos and considered non-hazardous when properly contained.

Disposal requirements for asbestos include:

- Must be wetted, placed in 6-mil polyethylene double bags and labeled.
- Bags containing asbestos must be covered with soil and cannot be compacted.
- Once disposed, asbestos waste cannot be disturbed or moved without approval of the local health district.

### **Moderate Risk Wastes**

Model Toxics Control Act (MTCA), Chapter 173-304 WAC, *Dangerous Wastes*, and Chapter 173-340 WAC, *Model Toxics Control Act (MTCA) Cleanup*: Every jurisdiction must have a local hazardous waste management plan that is integrated with the local solid waste management plan and addresses:

- Household and public education
- Household hazardous waste collection
- Business technical and collection assistance
- Enforcement

MRW includes household hazardous waste and hazardous waste from small quantity generators (SQGs). Examples are small quantities of waste oil, paint, thinners, solvents, household cleaners, antifreeze, automotive batteries, fluorescent bulbs, insecticides, herbicides, and electronics (e.g., cell phones and batteries, computer screens, etc.).

### **Inert and Demolition Wastes**

Chapter 173-351 WAC classifies inert and demolition materials as solid waste, but allows their disposal in inert or limited purpose landfills that meet the criteria in Chapter 173-350-400 or Chapter 173-350-410 WAC, respectively. Ecology encourages recycling these wastes when practical.

Inert wastes are typically stable, non-odor producing, consisting of concrete, brick,

asphalt concrete, composition roofing, rock and metals and similar materials.

Demolition wastes include non-inert materials, such as wood waste, which decomposes and produces gases. These types of non-inert materials can be disposed in a limited purpose landfill.

### **Petroleum Contaminated Soils**

Petroleum contaminated soil (PCS) can contain lead, solvents, PCBs or other hazardous contaminants. Ecology and the local health district approve PCS disposal options on a case-by-case basis. Options include:

- Treat PCS in situ or excavate and treat at the ground surface on site.
- Excavate and treat offsite at a permitted treatment facility.

### **Other Special Wastes**

Other special wastes are classified as solid waste and can be disposed in a landfill provided excess liquids and refrigerants are removed.

- Agricultural Wastes (crop and manure)
- Food processing (bulk and rejects)
- Industrial Sludge (nonhazardous)
- Tires (passenger, tractor, and heavy equipment)
- Large Appliances (e.g., washers, dryers, refrigerators, and stoves)
- Large Livestock

## **1.4 Unlawful Dumping and Littering**

Chapters 70.93.060 and 70.95.240 RCW regulate unlawful solid waste dumping practices without a permit and littering, respectively, and set penalties at the State level.

Litter less than or equal to 1 cubic foot is a Class 3 civil infraction, between 1 cubic foot and 1 cubic yard is a misdemeanor, and greater than 1 cubic yard is a Class 1 civil infraction and gross misdemeanor. It is also a Class 1 civil infraction for a person to improperly discard potentially dangerous litter in any amount. It is a gross misdemeanor for a person to abandon a junk vehicle.

- For a misdemeanor violation, the violator must pay twice the cost of cleanup or \$50 per cubic foot, whichever is greater.
- For a gross misdemeanor, the violator must also pay twice the cost of cleanup plus \$100 per cubic foot of litter, whichever is greater. Alternatively, or in addition to, a court may order the violator to collect and remove litter. If the violation occurs in a state park, the court can order the person to perform 24 hours of community restitution in the state park where the violation occurred, if the park participates in the program.
- If a junk vehicle is abandoned, the vehicle's registered owner pays a fine equal to twice the costs incurred in removing the junk vehicle.

