



King County

KING COUNTY

Signature Report

February 20, 2009

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

R&R

Proposed No. BOH09-02.1

1 A RULE AND REGULATION relating to definitions in  
 2 the King County Board of Health solid waste regulations;  
 3 amending R&R 03-06, Section 2 (part), and BOH  
 4 10.12.010 173-350-100, enacted pursuant to RCW  
 5 70.05.060 and 70.95.160, including the latest amendments  
 6 or revisions thereto.

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8 BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

9 SECTION 1. R&R 03-06, Section 2 (part), and BOH 10.12.010 173-350-100 are  
 10 each hereby amended to read as follows:

11 **Definitions.** When used in this chapter, the following terms have the meanings  
 12 given below.

13 "Active area" means that portion of a facility where solid waste recycling, reuse,  
 14 treatment, storage, or disposal operations are being, are proposed to be, or have been  
 15 conducted. Setbacks shall not be considered part of the active area of a facility.

16 "Agricultural composting" means composting of agricultural waste as an integral  
17 component of a system designed to improve soil health and recycle agricultural wastes.  
18 Agricultural composting is conducted on lands used for farming.

19 "Agricultural wastes" means wastes on farms resulting from the raising or  
20 growing of plants and animals including, but not limited to, crop residue, manure and  
21 animal bedding, and carcasses of dead animals weighing each or collectively in excess of  
22 fifteen pounds.

23 "Agronomic rates" means the application rate (dry weight basis) that will provide  
24 the amount of nitrogen or other critical nutrient required for optimum growth of  
25 vegetation, and that will not result in the violation of applicable standards or requirements  
26 for the protection of ground or surface water as established under chapter 90.48 RCW,  
27 Water pollution control and related rules including chapter 173-200 WAC, Water quality  
28 standards for ground waters of the state of Washington, and chapter 173-201A WAC,  
29 Water quality standards for surface waters of the state of Washington.

30 "Air quality standard" means a standard set for maximum allowable  
31 contamination in ambient air as set forth in chapter 173-400 WAC, General regulations  
32 for air pollution sources.

33 "Below ground tank" means a device meeting the definition of "tank" in this  
34 chapter where a portion of the tank wall is situated to any degree within the ground,  
35 thereby preventing visual inspection of that external surface of the tank that is in the  
36 ground.

37 "Beneficial use" means the use of solid waste as an ingredient in a manufacturing  
38 process, or as an effective substitute for natural or commercial products, in a manner that

39 does not pose a threat to human health or the environment. Avoidance of processing or  
40 disposal cost alone does not constitute beneficial use.

41 "Biosolids" means municipal sewage sludge that is a primarily organic, semisolid  
42 product resulting from the wastewater treatment process, that can be beneficially recycled  
43 and meets all applicable requirements under chapter 173-308 WAC, Biosolids  
44 management. Biosolids includes a material derived from biosolids and septic tank  
45 sludge, also known as septage, that can be beneficially recycled and meets all applicable  
46 requirements under chapter 173-308 WAC, Biosolids management.

47 "Buffer" means a permanently vegetated strip adjacent to an application area, the  
48 purpose of which is to filter runoff or overspray from the application area and protect an  
49 adjacent area.

50 "Cab cards" means a license carried in a vehicle that authorizes that vehicle to  
51 legally pick up waste tires and haul to a permitted, licensed facility or an exempt facility  
52 for deposit.

53 "Captive insurance companies" means companies that are wholly owned  
54 subsidiaries controlled by the parent company and established to insure the parent  
55 company or its other subsidiaries.

56 "Channel migration zone" means the lateral extent of likely movement of a stream  
57 or river channel along a stream reach.

58 "Clean soils and clean dredged material" means soils and dredged material ~~((that~~  
59 ~~do not contain contaminants at concentrations which could negatively impact the existing~~  
60 ~~quality of air, waters of the state, soils, or sediments; or pose a threat to the health of~~

61 ~~humans or other living organisms))~~ which are not dangerous wastes, contaminated soils,  
62 or contaminated dredged material as defined in this section.

63 "Closure" means those actions taken by the owner or operator of a solid waste  
64 handling facility to cease disposal operations or other solid waste handling activities, to  
65 ensure that all such facilities are closed in conformance with applicable regulations at the  
66 time of such closures and to prepare the site for the post-closure period.

67 "Closure plan" means a written plan developed by an owner or operator of a  
68 facility detailing how a facility is to close at the end of its active life.

69 "Composted material" means organic solid waste that has undergone biological  
70 degradation and transformation under controlled conditions designed to promote aerobic  
71 decomposition at a solid waste facility in compliance with the requirements of this  
72 chapter. Natural decay of organic solid waste under uncontrolled conditions does not  
73 result in composted material.

74 "Composting" means the biological degradation and transformation of organic  
75 solid waste under controlled conditions designed to promote aerobic decomposition.  
76 Natural decay of organic solid waste under uncontrolled conditions is not composting.

77 "Conditionally exempt small quantity generator (CESQG)" means a dangerous  
78 waste generator whose dangerous wastes are not subject to regulation under chapter  
79 70.105 RCW, Hazardous waste management, solely because the waste is generated or  
80 accumulated in quantities below the threshold for regulation and meets the conditions  
81 prescribed in WAC 173-303-070(8)(b).

82 "Conditionally exempt small quantity generator (CESQG) waste" means  
83 dangerous waste generated by a conditionally exempt small quantity generator.

84 "Container" means a portable device used for the collection, storage, and/or  
85 transportation of solid waste including, but not limited to, reusable containers, disposable  
86 containers, and detachable containers.

87 "Contaminant" means any chemical, physical, biological, or radiological  
88 substance that does not occur naturally in the environment or that occurs at  
89 concentrations greater than natural background levels.

90 "Contaminate" means the release of solid waste, leachate, or gases emitted by  
91 solid waste, such that contaminants enter the environment at concentrations that pose a  
92 threat to human health or the environment, or cause a violation of any applicable  
93 environmental regulation.

94 "Contaminated dredged material" means dredged material resulting from the  
95 dredging of surface waters of the state where contaminants are present in the dredged  
96 material at concentrations not suitable for open water disposal and the dredged material is  
97 not dangerous waste and is not regulated by section 404 of the Federal Clean Water Act  
98 (P.L. 95-217).

99 "Contaminated soils (~~(and contaminated dredged material)~~)" means soils (~~(and~~  
100 ~~dredged material that contain contaminants at concentrations which could negatively~~  
101 ~~impact the existing quality of air, waters of the state, soils or sediments, or pose a threat~~  
102 ~~to the health of humans or other living organisms)) removed during the cleanup of a~~

103 hazardous waste site, or a dangerous waste facility closure, corrective actions or other  
104 clean-up activities and which contain harmful substances but are not designated  
105 dangerous wastes.

106 "Corrosion expert" means a person certified by the National Association of  
107 Corrosion Engineers (NACE) or a registered professional engineer who has certification  
108 or licensing that includes education and experience in corrosion control.

109 "Crop residues" means vegetative material leftover from the harvesting of crops,  
110 including leftover pieces or whole fruits or vegetables, crop leaves and stems. Crop  
111 residue does not include food processing waste.

112 "Dangerous wastes" means any solid waste designated as dangerous waste by the  
113 department under chapter 173-303 WAC, Dangerous waste regulations.

114 "Department" means the Washington state department of ecology.

115 "Detachable containers" means reusable containers that are mechanically loaded  
116 or handled, such as a dumpster or drop box.

117 "Disposable containers" means containers that are used once to handle solid  
118 waste, such as plastic bags, cardboard boxes and paper bags.

119 "Disposal" or "deposition" means the discharge, deposit, injection, dumping,  
120 leaking, or placing of any solid waste into or on any land or water.

121 "Domestic septage" means Class I, II or III domestic septage as defined in chapter  
122 173-308 WAC, Biosolids management.

123 "Domestic wastewater facility" means all structures, equipment, or processes  
124 required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together  
125 with such industrial waste as may be present.

126 "Drop box facility" means a facility used for the placement of a detachable  
127 container including the area adjacent for necessary entrance and exit roads, unloading and

128 turn-around areas. Drop box facilities normally serve the general public with loose loads  
129 and receive waste from offsite.

130 "Energy recovery" means the recovery of energy in a useable form from mass  
131 burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat  
132 of combustion of solid waste that involves high temperature (above twelve hundred  
133 degrees Fahrenheit) processing.

134 "Existing facility" means a facility which is owned or leased, and in operation, or  
135 for which facility construction has begun, on or before the effective date of this chapter  
136 and the owner or operator has obtained permits or approvals necessary under federal,  
137 state and local statutes, regulations and ordinances.

138 "Facility" means all contiguous land (including buffers and setbacks) and  
139 structures, other appurtenances, and improvements on the land used for solid waste  
140 handling.

141 "Facility construction" means the continuous on-site physical act of constructing  
142 solid waste handling unit(s) or when the owner or operator of a facility has entered into  
143 contractual obligations for physical construction of the facility that cannot be canceled or  
144 modified without substantial financial loss.

145 "Facility structures" means constructed infrastructure such as buildings, sheds,  
146 utility lines, and piping on the facility.

147 "Garbage" means animal and vegetable waste resulting from the handling,  
148 storage, sale, preparation, cooking, and serving of foods.

149 "Ground water" means that part of the subsurface water that is in the zone of  
150 saturation.

151 "Holocene fault" means a plane along which earthen material on one side has  
152 been displaced with respect to that on the other side and has occurred in the most recent  
153 epoch of the Quaternary period extending from the end of the Pleistocene to the present.

154 "Home composting" means composting of on-site generated wastes, and  
155 incidental materials beneficial to the composting process, by the owner or person in  
156 control of a single-family residence, or for a dwelling that houses two to five families,  
157 such as a duplex or clustered dwellings.

158 "Household hazardous wastes" means any waste which exhibits any of the  
159 properties of dangerous wastes that is exempt from regulation under chapter 70.105  
160 RCW, Hazardous waste management, solely because the waste is generated by  
161 households. Household hazardous waste can also include other solid waste identified in  
162 the local hazardous waste management plan prepared pursuant to chapter 70.105 RCW,  
163 Hazardous waste management.

164 "Hydrostratigraphic unit" means any water-bearing geologic unit or units  
165 hydraulically connected or grouped together on the basis of similar hydraulic  
166 conductivity which can be reasonably monitored; several geologic formations or part of a  
167 geologic formation may be grouped into a single hydrostratigraphic unit; perched sand  
168 lenses may be considered a hydrostratigraphic unit or part of a hydrostratigraphic unit, for  
169 example.

170 "Incineration" means reducing the volume of solid wastes by use of an enclosed  
171 device using controlled flame combustion.

172 "Incompatible waste" means a waste that is unsuitable for mixing with another  
173 waste or material because the mixture might produce excessive heat or pressure, fire or

174 explosion, violent reaction, toxic dust, fumes, mists, or gases, or flammable fumes or  
175 gases.

176 "Industrial solid wastes" means solid waste generated from manufacturing  
177 operations, food processing, or other industrial processes.

178 "Industrial wastewater facility" means all structures, equipment, or processes  
179 required to collect, carry away, treat, reclaim, or dispose of industrial wastewater.

180 "Inert waste" means solid wastes that meet the criteria for inert waste in WAC  
181 173-350-990.

182 "Inert waste landfill" means a landfill that receives only inert wastes.

183 "Intermediate solid waste handling facility" means any intermediate use or  
184 processing site engaged in solid waste handling which is not the final site of disposal.  
185 This includes material recovery facilities, transfer stations, drop boxes, baling and  
186 compaction sites.

187 "Intermodal facility" means any facility operated for the purpose of transporting  
188 closed containers of waste and the containers are not opened for further treatment,  
189 processing or consolidation of the waste.

190 "Jurisdictional health department" means city, county, city-county or district  
191 public health department.

192 "Land application site" means a contiguous area of land under the same  
193 ownership or operational control on which solid wastes are beneficially utilized for their  
194 agronomic or soil-amending capability.

195 "Land reclamation" means using solid waste to restore drastically disturbed lands  
196 including, but not limited to, construction sites and surface mines. Using solid waste as a  
197 component of fill is not land reclamation.

198 "Landfill" means a disposal facility or part of a facility at which solid waste is  
199 permanently placed in or on land including facilities that use solid waste as a component  
200 of fill.

201 "Leachate" means water or other liquid within a solid waste handling unit that has  
202 been contaminated by dissolved or suspended materials due to contact with solid waste or  
203 gases.

204 "Limited moderate risk waste" means waste batteries, waste oil, and waste  
205 antifreeze generated from households.

206 "Limited moderate risk waste facility" means a facility that collects, stores, and  
207 consolidates only limited moderate risk waste.

208 "Limited purpose landfill" means a landfill which is not regulated or permitted by  
209 other state or federal environmental regulations that receives solid wastes limited by type  
210 or source. Limited purpose landfills include, but are not limited to, landfills that receive  
211 segregated industrial solid waste, construction, demolition and landclearing debris, wood  
212 waste, ash (other than special incinerator ash), and dredged material. Limited purpose  
213 landfills do not include inert waste landfills, municipal solid waste landfills regulated  
214 under chapter 173-351 WAC, Criteria for municipal solid waste landfills, landfills  
215 disposing of special incinerator ash regulated under chapter 173-306 WAC, Special  
216 incinerator ash management standards, landfills regulated under chapter 173-303 WAC,  
217 Dangerous waste regulations, or chemical waste landfills used for the disposal of

218 polychlorinated biphenyls (PCBs) regulated under Title 40 CFR Part 761,  
219 Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in  
220 Commerce, and Use Prohibitions.

221 "Liquid" means a substance that flows readily and assumes the form of its  
222 container but retains its independent volume.

223 "Liquid waste" means any solid waste which is deemed to contain free liquids as  
224 determined by the Paint Filter Liquids Test, Method 9095, in *Test Methods for*  
225 *Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846.

226 "Lithified earth material" means all rock, including all naturally occurring and  
227 naturally formed aggregates or masses of minerals or small particles of older rock that  
228 formed by crystallization of magma or by induration of loose sediments. This term does  
229 not include man-made materials, such as fill, concrete or asphalt, or unconsolidated earth  
230 materials, soil or regolith lying at or near the earth's surface.

231 "Local fire control agency" means a public or private agency or corporation  
232 providing fire protection such as a local fire department, the department of natural  
233 resources or the United States Forest Service.

234 "Lower explosive limits" means the lowest percentage by volume of a mixture of  
235 explosive gases that will propagate a flame in air at twenty-five degrees centigrade and  
236 atmospheric pressure.

237 "Material recovery facility" means any facility that collects, compacts,  
238 repackages, sorts, or processes for transport source separated solid waste for the purpose  
239 of recycling.

240 "Mobile systems and collection events" means activities conducted at a temporary  
241 location to collect moderate risk waste.

242 "Moderate risk waste (MRW)" means solid waste that is limited to conditionally  
243 exempt small quantity generator (CESQG) waste and household hazardous waste (HHW)  
244 as defined in this chapter.

245 "MRW facility" means a solid waste handling unit that is used to collect, treat,  
246 recycle, exchange, store, consolidate, and/or transfer moderate risk waste. This does not  
247 include mobile systems and collection events or limited MRW facilities that meet the  
248 applicable terms and conditions of WAC 173-350-360 (2) or (3).

249 "Municipal solid waste (MSW)" means a subset of solid waste which includes  
250 unsegregated garbage, refuse and similar solid waste material discarded from residential,  
251 commercial, institutional and industrial sources and community activities, including  
252 residue after recyclables have been separated. Solid waste that has been segregated by  
253 source and characteristic may qualify for management as a non-MSW solid waste, at a  
254 facility designed and operated to address the waste's characteristics and potential  
255 environmental impacts. The term MSW does not include:

256 · Dangerous wastes other than wastes excluded from the requirements of chapter 173-303  
257 WAC, Dangerous waste regulations, in WAC 173-303-071 such as household hazardous  
258 wastes;

259 · Any solid waste, including contaminated soil and debris, resulting from response action  
260 taken under section 104 or 106 of the Comprehensive Environmental Response,  
261 Compensation and Liability Act of 1980 (42 U.S.C. 9601), chapter 70.105D RCW,  
262 Hazardous waste cleanup — Model Toxics Control Act, chapter 173-340 WAC, the

263 Model Toxics Control Act cleanup regulation or a remedial action taken under those  
264 rules; nor  
265 · Mixed or segregated recyclable material that has been source-separated from garbage,  
266 refuse and similar solid waste. The residual from source separated recyclables is MSW.

267 "Natural background" means the concentration of chemical, physical, biological,  
268 or radiological substances consistently present in the environment that has not been  
269 influenced by regional or localized human activities. Metals at concentrations naturally  
270 occurring in bedrock, sediments and soils due solely to the geologic processes that  
271 formed the materials are natural background. In addition, low concentrations of other  
272 persistent substances due solely to the global use or formation of these substances are  
273 natural background.

274 "New solid waste handling unit" means a solid waste handling unit that begins  
275 operation or facility construction, and significant modifications to existing solid waste  
276 handling units, after the effective date of this chapter. "Nuisance odor" means any odor  
277 which is found offensive or may unreasonably interfere with any person's health,  
278 comfort, or enjoyment beyond the property boundary of a facility.

279 "One hundred year flood plain" means any land area that is subject to one percent  
280 or greater chance of flooding in any given year from any source.

281 "Open burning" means the burning of solid waste materials in an open fire or an  
282 outdoor container without providing for the control of combustion or the control of  
283 emissions from the combustion.

284 "Overburden" means the earth, rock, soil, and topsoil that lie above mineral  
285 deposits.

