May 11, 2015

WAC 173-350-230, Land Application - Workgroup Conference Call

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**Agenda**

Bulleted items that are not italicized are comments from the meeting. *Italicized wording represent the issues discussed.*

* Introductions
* Overview of rule revision process and timeline
* Overview of land application section
* Initial thoughts on what, if anything, should be revised
* Beneficial Use Determination vs. oversight under Land App Permit
* Information needed for permitting – too much, too little?
* Next steps
* Set a date and location for a face-to-face meeting, if needed, or conference call.

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**Overview of rule revision process and timeline**

* *Began whole rule revision process around April 2014. Chapter 173-350 WAC.*
* *Most sections of the rule are in the process of revision. Some have workgroups, some do not. Ecology is not revising compost, anaerobic digestion, organic handling sections since revised/created those sections recently - 2013.*
* *Need draft language from this workgroup (and other rule sections) by either August or December 2015 for internal review and formatting, prior to going out for informal review.*
* *Formal public comment July/August 2016, adoption of rule anticipated October 2016.*
* *Marni will coordinate with other sections, such as pile storage, beneficial use determination, soils, etc. to help ensure no conflicts/inconsistencies.*
* *This workgroup will likely not produce final language. Expect more changes after internal review and informal and formal public review.*

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**Overview of land application section**

*The land application section applies to the beneficial use of solid waste on the land for agronomic or soil-amending capability. Washington has about 15 permitted land application activities in the state involving food processors (vegetative and meat/fish/poulty), industrial (food processing) wastewater treatment solids, wineries, penitentiary food waste, etc.*

*To obtain a permit, need an operations plan, testing of the material, information on receiving sites, equipment usage and calibration, soil testing, spill plans, etc.*

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**Initial thoughts on what, if anything, should be revised**

* Keep revisions minimal. The section seems to work okay right now. No need for major overhaul.
* Simplify the section where possible.
* Discussed idea of conditionally exempting agronomic application of any vegetative material. Consensus was against this. There is a need for oversight of operations, to at least ensure operators put thought into calculating rates of application, cropping, timing, application itself, etc.
* Marni brought up the fact that many small communities collect yard waste and chip/grind it for take-back by residents. Ecology has funded many of these activities through alternative-to-burn programs. Technically, the use of ground yard waste requires permitting, though no jurisdiction is enforcing this. Do we want to provide a conditional exemption for these activities (based on size, other )? Yes, provide exemption. The rule already provides an exclusion for use of wood waste in landscaping.
* Marni brought up the idea of a conditional exemption for on-farm processing followed by land application (vegetative only). This could apply to some wineries, mint producers. Composting rules provide several exemptions for on-farm operations. The workgroup did not feel like this exemption would apply to many activities, if any, but was okay with drafting an exemption to see how it would look.
* Marni brought up the idea of a conditional exemption for farmers who take-back from food processors they use (“return to farm”). For example, vineyards send their grapes off-site for processing, but land apply resulting pomace from the processor. The workgroup did not feel like this exemption would apply to many activities and the consensus was to not pursue an exemption for this.
* The agronomic application of manure and crop residue is currently excluded in the Applicability section of WAC 173-350-020. Because statutory authorities allow only permit or condition exemption, any such exclusions will be moved to appropriate sections. In this case, we will provide a conditional exemption in the Land App section to address manure and crop residue.
* As a condition for an exemption, include as a condition documentation for how an operator arrived at an agronomic rate.
* Regarding storage, a permitted land application operation is allowed to store a year’s worth of material at the application site for up to a year, with non-prescripive requirements for protecting the environment and preventing combustion. Do we want to change anything here? No.
  + There is conflict with the Piles Storage standards, which currently would also apply to storage under a land application permit, but Marni will coordinate with other staff to address this conflict.

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**Beneficial Use Determination (BUD) vs. oversight under Land App Permit**

*Both the Land App and BUD sections can currently apply to same activity. BUD is a one-time free application to Ecology for a statewide permit exemption. BUDs have been issued for land application of organic waste at agronomic rates. Is this a problem?*

* There is better oversight with permitting under Land App. Land App permits are site-specific and have required inspections, oversight by locals (jurisdictional health agencies). BUDs are not site-specific and have very imited oversight by Ecology. The potential for problems exists and we should try to fix this if possible.
* There was concern about eliminating BUD entirely, though Marni said that had not been proposed as part of the overall revision process.

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**Information needed for permitting – too much, too little?**

*Marni feels the information needed for obtaining a permit is excessive. Would the group support paring down that subsection?*

* Simplify where possible, as with the rest of the section.
* Look into two possible permitting process. For example, a simpler process for smaller projects than for larger projects
* Some concern was expressed about needing to go through SEPA to obtain a permit. SEPA is required for all permits and that is through other rules. The workload for processing SEPA primarily lies with the permitting authority though, not the permit applicant.

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**Next steps**

* With the decision to keep revisions minimal, Marni will try to revise existing language within 30 days and send out to the workgroup for comment.

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**Set a date and location for a face-to-face meeting, if needed, or conference call.**

* We will decide on a face-to-face vs. conference call after the workgroup gets a look at revised language.