

WAC 173-350-240 Energy recovery and incineration facilities.

(1) Energy recovery and incineration facilities - Applicability.

(a) These standards apply to all facilities designed to burn more than twelve tons of solid waste per day.

(b) These standards do not apply to:

(i) Facilities that burn gases from a landfill or solid waste digester;

(ii) Facilities that burn materials that are no longer solid waste as determined by WAC 173-350-021.

(2) Energy recovery and incineration facilities - Permit exemptions. In accordance with RCW 70.95.305, the combustion of waste materials in compliance with the terms and conditions of Table 240-A is exempt from the requirement to obtain a solid waste handling permit from the jurisdictional health department. If a facility does not operate in compliance with the terms and conditions established for an exemption under this subsection, the facility may be subject to the permitting requirements for solid waste handling under this chapter. In addition, violations of the terms and conditions of this subsection may be subject to the enforcement provisions of RCW 70.95.315.

Table 240-A

Terms and Conditions for Solid Waste Permit Exemption

	Waste Materials	Specific Requirements for Activity or Operation
(1)	Wood waste Wood derived fuel Wastewater treatment sludge generated from the manufacturing of wood pulp or paper	(a) Meet the performance standards of WAC 173-350-040; (b) Ensure that only materials approved in writing by the agency with jurisdiction over the facility for air quality regulation are combusted; (c) Allow department and jurisdictional health department representatives to inspect the facility at reasonable times for the purpose of determining compliance with this chapter; and (d) Ensure that wastewater treatment sludge generated from the manufacturing of wood pulp or paper is combusted only in energy recovery units at the facility from which it originates.

(3) Energy recovery and incineration facilities - Permit requirements - Location. There are no specific location standards for energy recovery or incineration facilities subject to this chapter; however, energy recovery and incineration facilities must meet the performance standards of WAC 173-350-040.

(4) Energy recovery and incineration facilities - Permit requirements - Design. Energy recovery and incineration facilities must be designed so that the facility, including the following features, can be operated to meet the performance standards of WAC 173-350-040:

(a) The design of the storage and handling units for incoming waste as well as fly ash, bottom ash, and any other wastes produced by air or water pollution controls; and

(b) The design of the incinerator or thermal reactor, including charging or feeding systems, combustion air systems, combustion or reaction chambers, including heat recovery systems, ash handling systems, and air pollution and water pollution control systems. Instrumentation and monitoring systems design must also be included.

(5) Energy recovery and incineration facilities - Permit requirements - Documentation.

(a) The owner or operator must submit facility drawings and construction documents for, at a minimum, any proposed addition or modification of elements described in subsection (4) of this section to the jurisdictional health department for review and approval. The facility drawings and construction documents for proposed construction

of engineered features must be prepared by a professional engineer registered in the state of Washington and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features. The engineering report must demonstrate that the proposed design will meet the performance standards of WAC 173-350-040;

(ii) Scale drawing of the facility including the location and size of waste handling areas, fixed equipment, buildings, stormwater management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation;

(iii) Design specifications for the engineered features of the facility as applicable; and

(iv) For new construction, a construction quality assurance plan that describes monitoring, testing, and documentation procedures that will be performed during construction of the facility, to ensure the facility is constructed in accordance with the approved design.

(b) The owner or operator must provide copies of the construction record drawings for engineered features at the facility and a report documenting facility construction, including the results of observations and any testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. The owner or operator must not commence operation in a newly constructed portion of the facility until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

(6) Energy recovery and incineration facilities - Permit requirements - Operating. The owner or operator of an energy recovery or incineration facility must:

(a) Operate the site in compliance with the performance standards of WAC 173-350-040 and this section. In addition, the owner or operator must develop, keep, and follow a plan of operation approved as part of the permitting process. The plan of operation must be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation must include the following:

(i) A description of the types of waste materials to be handled at the facility;

(ii) A description of the procedures used to ensure that dangerous waste and other unacceptable waste are not accepted at the facility;

(iii) A description of how waste materials are to be handled on-site, including maximum site capacity, methods of adding or removing waste materials from the facility and equipment used;

(iv) A description of how the owner or operator will ensure that the facility is operated in a way to:

(A) Control litter, dust and nuisance odors;

(B) Control rodents, insects, and other vectors;

(C) Confine solid wastes prior to and after processing to specifically designed piles, surface impoundments, tanks or containers meeting the applicable standards of this chapter. Storage of wastes other than in the specifically designed storage compartments is prohibited. Equipment and space must be provided in the storage and charging areas, and elsewhere as needed, to allow periodic cleaning as required to maintain the plant in a sanitary and clean condition;

(D) Manage solid wastes on-site during the facility's active life, including alternative storage, and/or disposal plans for all situations that would result in overfilling of the storage facility;

(E) Handle solid wastes, including combustion or other residues, in a manner that complies with this chapter; and

(F) Provide recyclable material collection at all facilities that accept municipal solid waste from the general public, self-haul residential, or commercial waste generators.

(v) Inspect the facility to prevent malfunctions and deterioration, operator errors and discharges that may lead to the release of wastes to the environment or cause a threat to human health. Inspections must address how equipment, structures and other systems, including leachate collection and gas collection equipment, are to be inspected and maintained. The owner or operator must conduct these inspections as needed, but at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. Inspections must be recorded on an inspection form to be included in the plan of operation.

(vi) A description of how operators will maintain operating records on the amounts (weights or volume) and types of waste received and removed from the facility, and number of vehicles delivering waste to the facility, including the form or computer printout used to record this information. Facility annual reports must be maintained in the operating record. Facility inspection reports must be maintained in the operating record, including at least the date of inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action. The operator must notify the jurisdictional health department prior to any significant deviation from the plan of operation, and deviations must be noted on the operating record. Records must be kept for a minimum of five years and must be available upon request by the jurisdictional health department;

(vii) Safety, fire and emergency plans, including:

(A) Actions to take if there is a fire or explosion;

(B) Actions to take if leaks are detected;

(C) Remedial action programs to be implemented in case of a release of hazardous substances to the environment; and

(D) Actions to take for other releases (e.g., failure of runoff containment system).

(viii) Other such details to demonstrate that the facility will be operated in accordance with this chapter and as required by the jurisdictional health department.

(b) Prepare and submit an annual report to the jurisdictional health department and the department by April 1st of each year on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantities and types of waste received and incinerated, in tons if available;

(iv) Annual quantity, type and destination of waste bypassed, in tons;

(v) Annual quantity of ash disposed and disposal location, in tons; and

(vi) Any additional information required by the jurisdictional health department as a condition of the permit.

(7) **Energy recovery and incineration facilities - Permit requirements - Groundwater monitoring.** There are no specific groundwater monitoring requirements for energy recovery and incineration facilities subject to this chapter; however, energy recovery and incineration facilities must meet the performance standards of WAC 173-350-040.

(8) **Energy recovery and incineration facilities - Permit requirements - Closure.** The owner or operator of an energy recovery or incineration facility must develop, keep, and follow a closure plan that includes:

(a) Notification to the jurisdictional health department one hundred eighty days in advance of closure;

(b) Removal of all waste material to a facility that meets all applicable regulations for handling the waste, or combustion of all remaining waste prior to closure; and

(c) Methods of removing waste material.

(9) **Energy recovery and incineration facilities - Permit requirements - Financial assurance.** There are no specific financial assurance requirements for energy recovery facilities and incineration facilities subject to this chapter; however, energy recovery and incineration facilities must meet performance standards of WAC 173-350-040.

(10) **Energy recovery and incineration facilities - Permit application contents.** The owner or operator of an energy recovery or incineration facility must obtain a solid waste permit from the jurisdictional health department. All applications for permits must be in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each permit application must contain:

(a) Engineering reports/plans and specifications that address the standards of subsections (4) and (5) of this section;

(b) A plan of operation that addresses the requirements of subsection (6) of this section; and

(c) A closure plan meeting the requirements of subsection (8) of this section.

(11) **Energy recovery and incineration facilities - Environmental impact statement.** In accordance with RCW 70.95.700, no solid waste energy recovery or incineration facility established on or after January 1, 1989 may be operated prior to the completion of an environmental impact statement containing the considerations required under RCW 43.21C.030 (2)(c) and prepared pursuant to the procedures of chapter 43.21C RCW, State environmental policy.

[Statutory Authority: Chapter 70.95 RCW, and RCW 70.95.060, 70.95.215, 70.95.218, 70.95.260(6), 70.95.300, 70.95.305, 70.95.310, 70.95.440. WSR 18-17-008 (Order 13-08), § 173-350-240, filed 8/1/18, effective 9/1/18. Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-240, filed 1/10/03, effective 2/10/03.]