

WAC 173-350-320 Piles used for storage or treatment. (1) Piles used for storage or treatment - Applicability.

(a) These standards apply to the outdoor storage or treatment of solid waste in piles.

(b) These standards do not apply to:

(i) Piles of recyclable materials and other solid wastes stored indoors at recycling or material recovery facilities subject to WAC 173-350-210;

(ii) Piles located at composting facilities subject to WAC 173-350-220 that are an integral part of the facility's operation;

(iii) Piles to be land applied subject to WAC 173-350-230;

(iv) Piles located at anaerobic digester sites subject to WAC 173-350-250;

(v) Piles of solid waste at transfer stations subject to design standards for tip floors in WAC 173-350-310;

(vi) Indoor storage of piles of contaminated soil or contaminated dredged material subject to WAC 173-350-310;

(vii) Piles of waste tires subject to WAC 173-350-350; and

(viii) Piles of contaminated soil or contaminated dredged materials stored and treated indoors subject to WAC 173-350-490.

(2) **Piles used for storage or treatment - Permit exemptions.** In accordance with RCW 70.95.305, facilities managing solid wastes in piles meeting the conditions listed in Table 320-A and the conditions of (a) of this subsection are exempt from solid waste handling permitting. 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 320-A
Terms and Conditions for Solid Waste Permit Exemptions**

	Waste Materials	Volume, Storage Time, and Capacity Requirements	Specific Requirements for Activity or Operation
(1)	Wood waste, wood-derived fuel, nonferrous metals, brick, cured concrete, or asphaltic materials.	Up to 250 cubic yards of total material on-site. No storage time limit.	No notification or reporting requirements.
(2)	Agricultural waste and on-farm vegetative wastes stored on farms.	No volume limit. The duration of storage of the entire pile is limited to one year and limited to the amount that will be applied to a site during a one-year period. Subsequent accumulation under the same conditions is allowed at the same location after the entire pile has been used.	No notification or reporting requirements.

	Waste Materials	Volume, Storage Time, and Capacity Requirements	Specific Requirements for Activity or Operation
(3)	Wood waste, wood-derived fuel and nonferrous metals.	<p>Over 250 cubic yards up to 2,000 cubic yards total material on-site.</p> <p>At the end of each calendar year, the facility must have removed at least fifty percent of the sum of the volume of all waste present at the start of the calendar year and of the volume of all waste accepted during the calendar year.</p> <p>For example: A facility begins the calendar year with 300 CY of wood waste on hand. The facility accepts 400 CY during the calendar year. In order to meet this exemption requirement, at least $0.5 \times (300 + 400) = 350$ CY must be removed from the facility by the end of the calendar year, leaving no more than 350 CY on hand.</p>	<p>(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department and must be complete;</p> <p>(b) Maintain records on the volume of wastes received, processed, and moved off-site for five years; and</p> <p>(c) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information:</p> <p>(i) Name and address of the facility;</p> <p>(ii) Calendar year covered by the report;</p> <p>(iii) Annual quantities and types of solid waste handled by the facility, including amounts received, amounts removed and where it went, and the amount of waste remaining at the facility at year's end, in cubic yards; and</p> <p>(iv) Any additional information required by the department.</p>
(4)	Brick, cured concrete, or asphaltic material facilities with a water quality sand and gravel or construction stormwater general permit.	Over 250 cubic yards; no upper volume limit.	Facilities that recycle these wastes must comply with the recycling standards in WAC 173-350-210, including notification and reporting.
(5)	Temporary piles of contaminated soils and contaminated dredged material.	<p>No volume limit.</p> <p>All contaminated soils and contaminated dredged materials are removed from the site within ninety days. If new materials are placed on site at any time after ninety days has elapsed from the first delivery, a permit is required.</p>	No notification or reporting requirements.
(6)	Temporary piles of contaminated soils and contaminated dredged material with a construction stormwater general permit.	No volume limit.	No notification or reporting requirements.

(a) Management of waste in piles identified in Table 320-A must meet the following terms and conditions to maintain their exempt status:

- (i) Comply with the performance standards of WAC 173-350-040;
- (ii) Manage the operation to prevent fugitive dust and the attraction of vectors; and
- (iii) Allow the department or jurisdictional health department to inspect the site at reasonable times.

(3) **Piles used for storage or treatment - Permit requirements - Location.** There are no specific location standards for piles subject

to this chapter; however, waste piles must meet the performance standards of WAC 173-350-040.

(4) **Piles used for storage or treatment - Permit requirements - Design.** Piles used for storage or treatment of solid waste must be designed so that the facility can be operated to meet the performance standards of WAC 173-350-040, and the following design standards:

(a) The maximum waste capacity, elevation and boundaries of the waste pile must be provided. All piles used for storage or treatment regulated under this section must be designed and constructed to meet the following requirements:

(i) Control public access to prevent illegal dumping and unauthorized access to the facility;

(ii) Comply with the international fire code as implemented through the local fire control agency;

(iii) Control vectors; and

(iv) Provide all-weather surfaces for vehicles.

(b) In addition to the requirements of (a) of this subsection, the owner or operator of piles of putrescible waste, contaminated soils or contaminated dredged material or waste determined by the jurisdictional health department to likely produce leachate posing a threat to human health or the environment must prepare engineering reports/plans and specifications of the surface on which the pile(s) will be placed. This must include an analysis of the surface under the stresses expected during operations, and the design of the surface water management systems including run-on prevention and runoff conveyance, storage, and treatment. The facility must be designed and constructed to:

(i) Place waste on an impervious surface, such as concrete or asphaltic concrete, to prevent soil and groundwater contamination. The surface must be durable enough to withstand material handling practices. The jurisdictional health department may at the time of permitting:

(A) Approve other types of surfaces if the applicant can demonstrate that the proposed surface will prevent soil and groundwater contamination; and

(B) Waive the impervious surface requirement if the applicant can demonstrate how soil and groundwater will be protected by other design features.

(ii) Control run-on and runoff from a twenty-five-year storm.

(5) **Piles used for storage or treatment - Permit requirements - Documentation.**

(a) The owner or operator must submit construction documents for any proposed addition or modification of elements described in subsection (4) of this section to the jurisdictional health department for review and approval. The construction documents for proposed construction of engineered features addressed in subsection (4)(b) of this section 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 of any impervious surface, such as concrete, asphaltic concrete, or other proposed surface; stormwater management features; and emission control features as required by the permitting air authority where applicable. The engineering report must demonstrate that the proposed design will meet the performance standards of this chapter;

(ii) Scale drawings 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 including any impervious or other proposed surface, run-on/runoff controls, stormwater management features, and aeration and emission management features as required by a permitting air authority where applicable; and

(iv) 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 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 reports/plans and specifications and has approved the construction documentation in writing.

(6) Piles used for storage or treatment - Permit requirements - Operating. The owner or operator of piles used for storage or treatment must:

(a) Operate the site in compliance with the performance standards of WAC 173-350-040 and this subsection. 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 on-site for inspection at the request of the jurisdictional health department. If necessary, the plan may 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 recycling or recovery, storage, maximum site capacity, methods of adding or removing waste materials from the facility and equipment used, and how operators will ensure adequate dumping capacity at all times;

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

(A) Control litter, dust, and nuisance odors;

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

(C) Control access to the pile; and

(D) Ensure that waste piles capable of attracting birds do not pose an aircraft safety hazard.

(v) A description of how operators will inspect and maintain the facility to prevent malfunctions, deterioration, operator errors and discharges that may cause or lead to the release of wastes to the environment or a threat to human health. Inspections must include the surface on which the piles are placed, and the leachate and stormwater control systems. Inspections must be as needed, but at least weekly, to ensure the facility is meeting the operational standards, unless an

alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(vi) A description of how operators will maintain operating records on the amounts (weight or volume) and the types of waste received and removed from 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. Significant deviations from the plan of operation must be noted in 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 and emergency plans;

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

(ix) If storing or treating contaminated soils or contaminated dredged materials each plan of operation must also include the following:

(A) Ensure that all soils and dredged materials are sufficiently characterized:

(I) Prior to storage or treatment so that contaminants not identified, or are at concentrations greater than those listed in the approved plan of operation are not accepted or handled at the facility; and

(II) Prior to removal to an off-site location so that all soils and dredged material that are not clean soils or clean dredged materials are delivered to a facility that meets the requirements of chapter 70.95 RCW, Solid waste management—Reduction and recycling;

(B) Maintain operating records that identify the source of contaminated soils and contaminated dredged material received at the facility, contaminants and concentrations contained, and any documentation used to characterize soils and dredged materials. Records must contain end uses, including the location of final placement, for any soils or dredged materials removed from the facility that contain residual contaminants;

(C) A description of contaminants and concentrations in soils and dredged materials that will be handled at the facility;

(D) A sampling and analysis plan and other procedures used to characterize soils and dredged materials; and

(E) Forms used to record the source of contaminated soils or contaminated dredged materials, contaminant concentration and other documentation used to characterize soils and dredged materials, and end uses and the location of final placement for any soils or dredged materials removed from the facility that contain residual contaminants.

(x) Treatment of contaminated soils and contaminated dredged materials must be performed using a process that reduces or eliminates contaminants and harmful characteristics. Contaminated soils and contaminated dredged materials must not be diluted to meet treatment goals or as a substitute for disposal, except for incidental dilution of minor contaminants.

(b) Prepare and submit an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report must detail the facility's activi-

ties during the previous calendar year and shall include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantities and types of solid waste handled by the facility, including amounts received, amounts removed and the amount of waste remaining at the facility at year's end, in tons or cubic yards;

(iv) Destination of waste material transported from the facility for processing or disposal; and

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

(7) **Piles used for storage or treatment - Permit requirements - Groundwater monitoring.** There are no specific groundwater monitoring requirements for piles used for storage and treatment subject to this chapter; however, waste piles must meet the performance standards of WAC 173-350-040.

(8) **Piles used for storage or treatment - Permit requirements - Closure.** The owner or operator of piles used for storage or treatment must develop, keep, and follow a closure plan that addresses:

(a) Notification to the jurisdictional health department sixty days in advance of closure;

(b) Remove of all waste to a facility that conforms with the applicable regulations for handling the waste; and

(c) Methods for removing the waste.

(9) **Piles used for storage or treatment - Permit requirements - Financial assurance.** There are no specific financial assurance requirements for piles used for storage or treatment subject to this chapter; however, waste piles must meet the performance standards of WAC 173-350-040.

(10) **Piles used for storage or treatment - Permit application contents.** The owner or operator of piles used for storage or treatment must obtain a permit from the jurisdictional health department. All applications for permits must be submitted 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 application for a permit must contain:

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

(b) A construction quality assurance plan that addresses the requirements of subsection (5) of this section;

(c) A plan of operation meeting the requirements of subsection (6) of this section; and

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

[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), § 173-350-320, filed 8/1/18, effective 9/1/18. Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-320, filed 1/10/03, effective 2/10/03.]