

**WAC 173-350-100 Definitions.** When used in this chapter, the following terms have the meanings given below.

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

**"Active life"** means the period beginning with the initial receipt of solid waste and ending at completion of closure activities in accordance with a facility's permit requirements.

**"Aerobic decomposition"** means decomposition of organic materials primarily by aerobic microbes under controlled conditions.

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

**"Agricultural wastes"** means wastes from farms resulting from the raising or growing of plants and animals including, but not limited to, crop residue, livestock manure, animal bedding, and carcasses of dead animals.

**"Agronomic rates"** means the application rate that will provide the amount of nitrogen or other critical nutrient required for optimal growth of vegetation, and that will not result in the violation of applicable standards or requirements for the protection of ground or surface water as established under chapter 90.48 RCW, Water pollution control, and related rules including chapter 173-200 WAC, Water quality standards for groundwaters of the state of Washington, and chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington.

**"Air quality standard"** means a standard set for maximum allowable contamination in ambient air as authorized in chapter 70.94 RCW, Washington Clean Air Act.

**"All-weather surface"** means a road surface over which emergency vehicles and typical passenger vehicles can pass in all types of weather.

**"Anaerobic digester"** means a vessel that processes organic material into biogas and digestate through microbial decomposition under anaerobic (low oxygen) conditions.

**"Asphaltic materials"** means material produced from a mixture of petroleum asphalt and mineral aggregate and used for the construction of roads, sidewalks and similar purposes. Roofing materials containing asphalt are not considered to be asphaltic materials.

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

**"Beneficial use"** means the use of solid waste as an effective substitute for natural or commercial products, or as a soil amendment, in a manner that does not pose a threat to human health or the environment when approved in accordance with section WAC 173-350-200 or 173-350-230 of this chapter. Use of solid waste as fill, or avoidance of processing or disposal cost alone, does not constitute beneficial use.

**"Biofilter"** means a bed or layer of material that supports beneficial microorganisms, typically a mixture of compost and wood chips, designed to filter and treat air emissions. A biofilter adsorbs and then biologically degrades odorous compounds.

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

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

**"Bulking agent"** means an ingredient used to improve structure and porosity, or to lower moisture content, primarily in composting. Bulking agents improve convective air flow and reduce settling and compaction. Bulking agents may include, but are not limited to, wood waste, straw, and other high-carbon materials.

**"Cab card"** means a license carried in a vehicle that authorizes that vehicle's driver to legally pick up waste tires and haul to a permitted, licensed facility or an exempt facility for deposit.

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

**"Cementitious material"** means a material other than cured concrete containing Portland cement, fly ash, cement kiln dust, bottom ash, or other cement-like materials, used to add rigidity to soils during construction projects such as temporary retaining walls and shaft construction, or generated from construction or road maintenance projects. Cementitious materials include, but are not limited to, jet grout, controlled low strength material (CLSM), flowable fill, low density fill, k-crete, shotcrete, concrete washout, concrete road grindings, and dewatered drilling slurries containing cementitious materials.

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

**"Clean dredged material"** means dredged material that does not contain contaminants from a release. It also includes dredged material that contains one or more contaminants from a release and when moved from one location to another for placement on or into the ground:

(a) Does not contain contaminants at concentrations that exceed a cleanup level under chapter 173-340 WAC, Model Toxics Control Act—Cleanup, that would be established for existing land use at the location where dredged material is placed; or

(b) Contains contaminants that affect pH, but pH of the dredged material is between 4.5 and 9.5 or within natural background pH limits that exist at the location where dredged material is placed.

**"Clean soil"** means soil that does not contain contaminants from a release. It also includes soil that contains one or more contaminants from a release and when moved from one location to another for placement on or into the ground:

(a) Does not contain contaminants at concentrations that exceed a cleanup level under chapter 173-340 WAC, Model Toxics Control Act—Cleanup, that would be established for existing land use at the location where soil is placed; or

(b) Contains contaminants that affect pH, but pH of the soil is between 4.5 and 9.5 or within natural background pH limits that exist at the location where soil is placed.

Examples of potentially clean soil may include, but are not limited to, soil from undeveloped lands unlikely to have impacts from release of contaminants associated with area-wide or local industrial or historical activities. This includes similar soils over which development may have occurred but land use is unlikely to have led to a release, such as use for residential housing, or over which development provided protection from impacts from a release, such as coverage by pavement. Soil with substances from natural background conditions, as natural background is defined in WAC 173-350-100, is clean soil under this section.

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

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

**"Collection event"** means a one-time or recurrent designation of a site and areas within that site used by an operator to collect MRW from the public and to store the MRW for less than forty-eight hours.

**"Commingled recyclable materials"** means a mixture of several types of recyclable materials in one load or container, such as aluminum cans, paper, plastic, and cardboard in one container, or wood, concrete, and metal in one load.

**"Commodity"** means a material that meets widely recognized standards and specifications, such as those from ASTM International or the Institute of Scrap Recycling Industries, Inc., (for example, commodity-grade scrap metal) that is mutually interchangeable with other materials meeting the same specifications, and that has well-established markets.

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

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

**"Conditionally exempt small quantity generator (CESQG)"** means a dangerous waste generator whose dangerous wastes are conditionally exempt from regulation under chapter 70.105 RCW, Hazardous waste management, solely because the waste is generated or accumulated in quantities below the threshold for regulation and meets the conditions prescribed in WAC 173-303-070 (8)(b).

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

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

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

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

**"Contaminated dredged material"** means dredged material containing one or more contaminants from a release and when moved from one location to another for placement on or into the ground:

(a) Contains contaminants at concentrations that exceed a cleanup level under chapter 173-340, Model Toxics Control Act—Cleanup, that would be established for existing land use at the location where dredged material is placed; or

(b) Contains contaminants that affect pH, and pH of the dredged material is below 4.5 or above 9.5 or is not within natural background pH limits that exist at the location where dredged material is placed.

Contaminated dredged material is solid waste and must be managed at a solid waste handling facility in conformance with this chapter or chapter 173-351 WAC, Criteria for municipal solid waste landfills. Characterization of material may be required based on solid waste facility acceptance standards. An example of a potentially contaminated dredged material may include, but is not limited to, dredged material from surface waters containing contaminants from a release.

**"Contaminated soil"** means soil containing one or more contaminants from a release and when moved from one location to another for placement on or into the ground:

(a) Contains contaminants at concentrations that exceed a cleanup level under chapter 173-340 WAC, Model Toxics Control Act—Cleanup, that would be established for existing land use at the location where soil is placed; or

(b) Contains contaminants that affect pH, and pH of the soil is below 4.5 or above 9.5 or is not within natural background pH limits that exist at the location where soil is placed.

Unless excluded in WAC 173-350-020, contaminated soil is solid waste and must be managed at a solid waste handling facility in conformance with this chapter or chapter 173-351 WAC, Criteria for municipal solid waste landfills. Characterization of material may be required based on solid waste facility acceptance standards. Examples of potentially contaminated soil may include, but are not limited to, street waste, petroleum contaminated soil, engineered soil, and soil likely to have contaminants from a release associated with industrial or historical activities.

**"Controlled conditions"** means the conditions in which facilities must be operated to meet the performance standards of WAC 173-350-040 and the applicable handling standards of this chapter. These may include, but are not limited to, controlling odors, run-on and runoff, moisture levels, pH levels, carbon to nitrogen ratios, temperatures, oxygen levels, particle sizes, and free air space.

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

**"Crop residues"** means vegetative material left over from farms from harvesting crops, including left over pieces or whole fruits or

vegetables, crop leaves and stems, and unprocessed produce from storage facilities. Crop residue does not include food processing waste.

**"Cured concrete"** means concrete which has been produced from design mixtures specified to produce a twenty-eight-day unconfined compressive strength of no less than twelve hundred pounds per square inch and allowed to harden. Off-specification concrete which does not achieve this minimum strength value may be evaluated for consideration as a cured concrete by the solid waste permitting agency on a case-by-case basis. Cured concrete may also contain embedded steel, wood, or plastic materials used in the reinforcement or tensioning of concrete structural elements. For the purposes of solid waste handling under this chapter, other cementitious materials are not considered to be cured concrete.

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

**"De minimis"** means present in an amount as to have negligible effect on the look, characteristics, use, or impact to human health or the environment of a material. The presence of man-made materials such as, but not limited to, paper, plastic, metal, and demolition debris that can reasonably be removed or that may become a litter problem is not de minimis.

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

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

**"Digestate"** means both solid and liquid substances that remain following anaerobic digestion of organic material in an anaerobic digester.

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

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

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

**"Dredged material"** means material excavated or dredged from below the ordinary high water mark of surface water. Material removed from a stormwater management device such as, but not limited to, a catch basin, is not dredged material.

**"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 receive waste from off-site, require waste placement directly into a container and not a tip floor, and serve the general public.

**"Energy recovery"** means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste. The recovery of energy may include mass burning or refuse-derived fuel incineration, or other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit).

**"Engineered soil"** means soil that has been altered by the addition of man-made materials used to adjust soil engineering properties for construction projects, such as to alter shear strength or hydraulic

ic conductivity of soil. Engineered soil includes, but is not limited to, soil with cementitious materials. Cured concrete and asphalt are not engineered soil.

**"Existing facility"** means a facility with one or more solid waste handling units in operation, or for which facility construction has begun, on or before the effective dates in this chapter associated with each solid waste handling unit, and the owner or operator has met terms and conditions for permit exemption or obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances.

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

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

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

**"Feedstock"** means a source separated waste material used as a component of composting, manufacturing, or as part of an industrial process.

**"Food processing waste"** means a source-separated organic material that is generated by a food processing facility licensed to process food by the United States Department of Agriculture, the United States Food and Drug Administration, the Washington state department of agriculture, or other applicable regulatory agency. Food processing wastes may include, but are not limited to, sludge from food processing water treatment plants, culls, DAF (dissolved air flotation) from a food processing facility, pomace, and paunch manure, not intended for animal or human consumption.

**"Garbage"** means putrescible solid wastes.

**"Glass"** means a noncrystalline amorphous solid material of a chemical composition which is in the categories of soda-lime glass or borosilicate glass. This includes flat glass, container glass, tempered soda-lime glass, and glass-ceramics. Other noncrystalline amorphous solid materials, including lead glass, specialty glasses containing toxic constituents at concentrations greater than those typically found in soda-lime or borosilicate glasses, and soda-lime or borosilicate glass which has been tainted through exposure to chemical, physical, biological, or radiological substances are not considered to be glass for the purposes of this chapter.

**"Groundwater"** means that part of the subsurface water that is in the zone of saturation.

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

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

**"Household hazardous waste"** means any waste that exhibits any of the properties of dangerous wastes but is exempt from regulation under chapter 70.105 RCW, Hazardous waste management, solely because the

waste is generated by households. Household hazardous waste can also include other solid waste identified in the local hazardous waste management plan prepared pursuant to chapter 70.105 RCW, Hazardous waste management.

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

**"Incineration"** means a process of reducing the volume of solid wastes operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

**"Incompatible waste"** means a waste that is unsuitable for mixing with another waste or material because the mixture might produce excessive heat or pressure, fire or explosion, violent reaction, toxic dust, fumes, mists, or gases, or flammable fumes or gases.

**"Indoor storage"** means a structure with a roof and walls that protect solid waste from precipitation.

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

**"Industrial wastewater facility"** means all structures, equipment, or processes required to collect, convey, treat, reclaim, or dispose of industrial wastewater.

**"Inert waste"** means waste that is allowed to be received at an inert waste landfill as described in WAC 173-350-410.

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

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

**"Land application site"** means an area or areas of land under the same ownership or operational control on which solid wastes are beneficially used through application at an agronomic rate, as a soil amendment, or for land reclamation.

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

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

**"Leachate"** means water or other liquid within a solid waste handling unit that has been in contact with solid waste or has been contaminated due to contact with landfill gas.

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

**"Limited moderate risk waste facility"** means a facility that collects, stores, and consolidates only limited moderate risk waste. Limited moderate risk waste facility does not include retailers and distributors operating as product take-back centers.

**"Limited purpose landfill"** means a landfill that is not an inert waste landfill and receives or has received only solid wastes designated as nonhazardous and are not municipal solid wastes. Limited pur-

pose landfills include, but are not limited to, landfills that receive or have received segregated industrial solid waste, construction, demolition and land clearing debris, wood waste, ash (other than special incinerator ash), contaminated soil and contaminated dredged material. Limited purpose landfills do not include inert waste landfills, municipal solid waste landfills regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills, landfills disposing of special incinerator ash regulated under chapter 173-306 WAC, Special incinerator ash management standards, landfills regulated under chapter 173-303 WAC, Dangerous waste regulations, or chemical waste landfills used for the disposal of polychlorinated biphenyls (PCBs) regulated under Title 40 C.F.R. Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.

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

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

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

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

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

**"Manufactured organics"** means source separated solid wastes, such as nonplastic coated paper plates, cups, compostable bags, and other items designed to decompose through composting, anaerobic digestion, or through other organic materials recycling processes. Manufactured organics do not include physical contaminants such as plastics and coated paper products that will not readily decompose under typical composting conditions, or wood derived fuel or wood waste as defined in this chapter.

**"Manufactured topsoil"** means soil or dredged material mixed with materials that improve the quality of the soil or dredged material for establishing vegetation and/or for water quality treatment purposes. If used as fill, material is not manufactured topsoil. Manufactured topsoil containing solid waste such as, but not limited to, yard debris, laminate, plastic, or asphalt shingles, not otherwise excluded from this chapter, is subject to management under this chapter.

**"Manure and bedding"** means manure (feces) and bedding from livestock and zoo animals including, but not limited to, horses, cows, chickens, sheep, and goats, and includes wash water from cleanup of such manure and bedding.

**"Material recovery facility"** means any facility that receives, compacts, repackages, or sorts source separated solid waste for the purpose of recycling.

**"Mobile systems"** means activities using a vehicle (such as a truck or trailer) to collect moderate risk waste from the public prior

to transporting the material to an MRW facility, collection event, or permitted hazardous waste facility.

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

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

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

(a) Dangerous wastes other than wastes excluded from the requirements of chapter 173-303 WAC, Dangerous waste regulations, in WAC 173-303-071 such as household hazardous wastes;

(b) Any solid waste, including contaminated soil and debris, resulting from response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601), chapter 70.105D RCW, Hazardous waste cleanup—Model Toxics Control Act, chapter 173-340 WAC, Model Toxics Control Act—Cleanup, or a remedial action taken under those statutes and rules; nor

(c) Mixed or segregated recyclable material that has been source-separated from garbage, refuse and similar solid waste. The residual from source separated recyclables is MSW.

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

**"New solid waste handling unit"** means a solid waste handling unit that begins operation or construction after effective dates in this chapter associated with each solid waste handling unit, and an existing solid waste handling unit that begins significant modifications after the effective dates in this chapter associated with each solid waste handling unit.

**"Nuisance odor"** means any odor which is offensive or may unreasonably interfere with any person's health, comfort, or enjoyment beyond the property boundary of a facility.

**"On-farm"** means activities taking place on any agricultural land under the control of the same entity including parcels that are not geographically contiguous but managed by the same entity for agricultural production.

**"On-farm vegetative waste"** means plant-based wastes produced on-farm from raising, growing, or processing plants and animals.

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

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

**"Organic feedstocks"** means source separated organic materials including bulking agents suitable for vermicomposting, composting, anaerobic digestion, and other processes that transform organic materials into useable or marketable materials.

**"Organic materials"** means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation. Organic materials include, but are not limited to, manure, yard debris, food waste, food processing wastes, wood waste, and garden wastes.

**"Other conversion technologies"** means processes that transform organic feedstocks into useable or marketable materials, but does not include composting, vermicomposting, or anaerobic digestion.

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

**"Permit"** means an authorization issued by the jurisdictional health department that allows a person to perform solid waste activities at a specific location and includes specific conditions for facility operations.

**"Person"** means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

**"Petroleum contaminated soil"** means soil that contains petroleum materials from a release more substantial than releases expected during routine operations of vehicles. Releases may include, but are not limited to, releases from leaking storage tanks or vehicular accidents. Petroleum materials include, but are not limited to, gasoline, diesel fuel, and fuel oil.

**"Physical contaminants"** as they relate to incoming feedstocks and compost quality means inorganic and organic constituents that are not readily decomposed during the composting process including, but not limited to, plastics, glass, textiles, rubber, leather, metal, ceramics, polystyrene, and wood pieces containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

**"Pile"** means the storage or treatment of any noncontainerized accumulation of solid waste.

**"Plan of operation"** means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life.

**"Point of compliance"** means a location at which a monitored parameter can be measured and evaluated for compliance with established standards or permit conditions. For groundwater compliance monitoring, the point of compliance will be located as near to the downgradient edge of the solid waste handling activity as technically, hydrogeologically and geographically feasible. Other points of compliance in other media may be established by the solid waste permitting agency for solid waste handling facilities permitted under this chapter.

**"Post-closure care"** means those actions taken by an owner or operator of a limited purpose landfill after closure, and until the landfill is determined by the solid waste permitting authority to be functionally stable.

**"Post-closure plan"** means a written plan developed by an owner or operator of a facility detailing how a facility is to meet the post-closure requirements for the facility.

**"Post-consumer food waste"** means source separated organic materials originally intended for human consumption including, but not limited to, vegetables, fruits, grains, meats and dairy products resulting from serving food. Post-consumer food waste is typically collected from cafeterias, homes, and restaurants.

**"Preconsumer animal-based wastes"** means source separated organic materials from animals such as meat, fat, dairy, or eggs that are a result of food preparation for human consumption or are products that did not reach the intended consumer. Preconsumer animal-based wastes are typically collected from food processing facilities and grocery stores.

**"Preconsumer vegetative waste"** means source separated organic materials from vegetables, such as pits, peels, and pomace from human food preparation, or vegetable products that did not reach the consumer. Preconsumer vegetative wastes are typically collected from food processing facilities and grocery stores.

**"Premises"** means a tract or parcel of land with or without habitable buildings.

**"Private facility"** means a privately owned facility maintained on private property solely for the purpose of managing waste generated by the entity owning the site.

**"Processing"** means an operation to convert a material into a useful product or to prepare it for reuse, recycling, or disposal.

**"Processing capacity"** means the amount of incoming materials in tons or cubic yards that a solid waste facility can process in a given amount of time, such as a calendar year. Processing capacity is identified by the conditions of exemption, the permit, or the plan of operations as approved by the jurisdictional health department or the department.

**"Product take-back center"** means a retail outlet or distributor that accepts household hazardous waste of comparable types as the products offered for sale or distributed at that outlet.

**"Public facility"** means a publicly or privately owned facility that accepts solid waste generated by other persons, or a publicly owned facility maintained on publicly owned property solely for the purpose of managing waste generated by the public entity owning the facility.

**"Putrescible waste"** means solid waste which contains material capable of being readily decomposed by microorganisms and which is likely to produce offensive odors.

**"Recyclable materials"** means those solid wastes that are separated for recycling or reuse, including, but not limited to, papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan.

**"Recycling"** means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. Recycling includes processing waste materials to produce tangible commodities.

**"Release"** means any intentional or unintentional entry of a contaminant into the environment at more than de minimis amounts and includes, but is not limited to, spilling, leaking, pouring, emitting, emptying, discharging, adding, applying, amending, injecting, pumping, escaping, leaching, dumping, or disposing of any contaminant.

**"Representative sample"** means a sample that can be expected to exhibit the average properties of the sample source.

**"Reusable containers"** means containers that are used more than once to handle solid waste, such as garbage cans.

**"Reuse"** means using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical form of the object or material. Reuse is not solid waste handling, but separating materials from other solid wastes for reuse is solid waste handling. Use of solid waste as fill or alternative daily cover is not reuse.

**"Runoff"** means any rainwater, leachate or other liquid that drains over land from any part of the facility.

**"Run-on"** means any rainwater or other liquid that drains over land onto any part of a facility.

**"Scavenging"** means the removal of materials at a facility, without the approval of the owner or operator and the jurisdictional health department.

**"Seismic impact zone"** means an area with a ten percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in two hundred fifty years.

**"Septage" or "domestic septage"** means a liquid or solid material removed from septic tanks, cess pools, portable toilets, type III marine sanitation devices, vault toilets, pit toilets, RV holding tanks, or similar systems that receive only domestic sewage. Septage may also include commercial or industrial septage mixed with domestic septage if approved in accordance with the provisions in WAC 173-308-020 (3) (g).

**"Setback"** means that part of a facility that lies between the active area and the property boundary.

**"Sewage sludge"** means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

**"Site capacity"** means the maximum amount of all material that can be contained on-site at any one time. Site capacity is identified by the conditions of exemption, the permit, or the plan of operations as approved by the jurisdictional health department or the department. All materials include, but are not limited to, incoming waste, feedstocks, bulking agents, stockpiled wastes, active composting, curing piles, composted materials, and sorted recyclable materials on-site.

**"Soil"** means material overlying bedrock consisting primarily of clay, silt, sand, or gravel size particles, and soil biota, that may contain de minimis amounts of other solid materials, such as incidental pieces of concrete or wood. Soil does not include dredged material. Cured concrete and asphalt are not soil.

**"Soil amendment"** means any substance that is intended to improve the physical characteristics of soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW, Municipal sewage sludge—Bio-

solids, and wastewater, as regulated in chapter 90.48 RCW, Water pollution control.

**"Solid waste," "waste materials," or "wastes"** means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials. See WAC 173-350-021 to determine if a material is solid waste.

**"Solid waste handling"** means the management, storage, collection, transportation, treatment, use, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from wastes or the conversion of the energy in wastes to more useful forms or combinations thereof.

**"Solid waste handling unit"** means discrete areas of land, sealed surfaces, liner systems, excavations, facility structures, or other appurtenances within a facility used for solid waste handling.

**"Source separation"** means the separation of different kinds of solid waste at the place where the waste originates.

**"Specified risk material"** means the skull, brain, trigeminal ganglia (nerves attached to brain and close to the skull exterior), eyes, spinal cord, distal ileum (a part of the small intestine), and the dorsal root ganglia (nerves attached to the spinal cord and close to the vertebral column) of cattle aged thirty months or older.

**"Storage"** means the holding of solid waste materials for a temporary period.

**"Street waste"** means solid or dewatered materials collected from stormwater catch basins and similar stormwater treatment and conveyance structures, and materials collected during street and parking lot sweeping.

**"Surface impoundment"** means a facility or part of a facility designed to contain an accumulation of liquids or sludges, and whose structural support is provided primarily by earthen materials. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells or infiltration basins.

**"Surface water"** means all lakes, rivers, ponds, wetlands, streams, inland waters, salt waters and all other surface water and surface water courses within the jurisdiction of the state of Washington.

**"Tank"** means a facility or part of a facility designed to contain an accumulation of liquids or sludges, and designed and constructed of materials with sufficient strength so that its walls can be self-supporting.

**"Tip floor" or "tipping floor"** means the receiving area for incoming waste at a transfer station, material recovery facility, or recycling facility where vehicles unload waste materials prior to processing or consolidation for transport. A container into which waste is directly deposited, such as a drop box, is not a tipping floor.

**"Transfer station"** means a facility that receives solid waste (e.g., municipal solid waste, contaminated soil, or other solid wastes) from off-site from persons or route collection vehicles for consolidation into transfer vehicles, vessels, or containers for transport to a solid waste handling facility.

**"Treatment"** means the physical, chemical, or biological processing of solid waste to make solid wastes safer for storage or disposal, amenable for recycling or energy recovery, or reduced in volume.

**"Twenty-five-year storm"** means a storm of twenty-four hours duration and of such an intensity that it has a four percent probability of being equaled or exceeded each year.

**"Universal wastes"** means universal wastes as defined in chapter 173-303 WAC, Dangerous waste regulations. Universal wastes include, but may not be limited to, dangerous waste batteries, mercury-containing thermostats, and universal waste lamps generated by fully regulated dangerous waste generators or CESQGs.

**"Unstable area"** means a location that is susceptible to forces capable of impairing the integrity of the facility's liners, monitoring system or structural components. Unstable areas can include poor foundation conditions and areas susceptible to mass movements.

**"Vadose zone"** means that portion of a geologic formation in which soil pores contain some water, the pressure of that water is less than atmospheric pressure, and the formation occurs above the zone of saturation.

**"Vector"** means a living animal including, but not limited to, insects, rodents, and birds, which is capable of transmitting an infectious disease from one organism to another.

**"Vermicomposting"** means the controlled and managed process by which live worms convert organic residues into dark, fertile, granular excrement.

**"Waste tires"** means any tires that are no longer suitable for their original intended purpose because of wear, damage or defect. Waste tires include tires originally intended for use on public highways that are considered unsafe for this use in accordance with RCW 46.37.425. Waste tires also include quantities of used tires that may be suitable for their original intended purpose when mixed with tires not suitable for their original intended purpose.

**"Wetlands"** means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**"Wood derived fuel"** means wood pieces or particles used as a fuel for energy recovery, which contain paint, bonding agents, or creosote. Wood derived fuel does not include wood pieces or particles coated with paint that contains lead or mercury, or wood treated with other chemical preservatives such as pentachlorophenol, copper naphthenate, or copper-chrome-arsenate.

**"Wood waste"** means wood pieces or particles determined to be solid waste per WAC 173-350-021 generated from construction, demolition, handling and storage of raw materials, trees, stumps, and manufacturing of wood products. This may include, but is not limited to, sawdust, chips, shavings, bark, pulp, and log sort yard waste, but does not include wood pieces or particles containing paint, laminates, bonding agents, or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

**"Yard debris"** means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping or similar activities. Yard debris includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

**"Zone of saturation"** means that part of a geologic formation in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure.

[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), § 173-350-100, filed 8/1/18, effective 9/1/18. Statutory Authority: RCW 70.95.020(3), 70.95.060(1), 70.95.260(6), 70.95.305, 70.95.330. WSR 13-08-016 (Order 10-06), § 173-350-100, filed 3/25/13, effective 4/25/13. Statutory Authority: Chapter 70.95 RCW. WSR 05-11-033 (Order 04-12), § 173-350-100, filed 5/10/05, effective 6/10/05; WSR 03-03-043 (Order 99-24), § 173-350-100, filed 1/10/03, effective 2/10/03.]