

## **Obtaining a Washington State Department of Agriculture (WSDA) Special Permit for the Transportation of Municipal Green Waste (MGW) from the Apple Maggot (AM) Quarantine Area to the Pest Free Area (PFA)**

The apple maggot is an invasive insect pest native to Eastern North America. Its hosts include apple, crabapple, and native and ornamental hawthorn. During the larval stage, apple maggot can cause extensive damage to fruit, decreasing crop yields. It is also economically significant to the Washington apple industry, as fruit from the pest free area has greater access to international markets. In an effort to protect the State's apple industry, WSDA established an apple maggot quarantine to slow the spread of the pest. Chapter 16-470 WAC establishes the parameters of the apple maggot quarantine and pest free areas within Washington State. For more information on apple maggot see the link below in the References section.

On January 1, 2017, WSDA issued a permanent rule amending the apple maggot (*Rhagoletus pomonella*) quarantine to include municipal solid waste (MSW), and yard debris, organic feedstock, organic materials and agricultural wastes (MGW) to the list of commodities regulated under the apple maggot quarantine [WAC 16-470-101(2) and (3)]. These regulated commodities are prohibited from moving from the quarantine area into the PFA without a WSDA issued special permit. A map of the quarantine area can be viewed at the link included under the References section below.

In September of 2015, WSDA contracted four expert consultants to conduct a Pest Risk Analysis (PRA) to assess the risk of introducing AM with MGW transported from the AM quarantine area to the AM Pest Free Area (RCW 17.24.051). The final PRA was completed on April 30<sup>th</sup>, 2016. A link to the PRA is included below under the References section.

The authors of the PRA concluded: "*The overall risk of entry of R. pomonella on MGW from the quarantine area to the PRA area is assessed as likely to occur with low uncertainty*" and "*The risk posed by R. pomonella moving on MGW from the quarantine area to the PRA area is assessed as unacceptable.* (Sansford et al. 2016, pages 5 & 7). Furthermore, the PRA recommends that MGW be ground and heat treated prior to leaving the area under quarantine. The standards for heat treatments recommended by the PRA are modeled after the European Plant Protection Organization guidelines for managing organic waste (EPPO 2008). (Id.)

Any person proposing to transport or dispose of MGW or MSW originating in the AM quarantine area to the PFA must obtain a special permit issued by WSDA under the current rule, WAC 16-470-124.

## **Process for Obtaining a MGW Special Permit**

### **Arrange to Meet with WSDA's Pest Program**

WSDA does not regulate finished compost. If processed MGW meets the Washington State Department of Ecology's definition of finished compost (WAC 173-350-100), no special permit is needed. However, any facility that is planning to transport unfinished MGW from the apple maggot quarantine area into or through the PFA will require a WSDA special permit. All applicants are encouraged to schedule a meeting with WSDA prior to submitting a written application. This meeting will provide the applicant with more detailed information on the special permit and WSDA can answer any questions. This initial meeting also allows for a discussion of how the applicant can best comply with the requirements of a special permit.

### **Submitting an Application**

The special permit application must include the following:

- Full information on the organization requesting the special permit (facility name, address, contact information, preparer and title).
- A written description with maps of the sites in the quarantine area(s) where treatments are proposed to occur, the transportation route for MGW, and the destination in the PFA.
- An estimate of the quantity and the source of MGW that is being transported per day, week or month.
- A detailed narrative of the proposed treatments used for MGW in the quarantine area(s).
- The plan for monitoring MGW conditions during the duration of the treatments.
- The plan for completing SEPA, and the required solid waste permits issued by the appropriate county health authority (see bulleted discussion below).
- Prior to issuing a special permit, WSDA requires a copy of the applicable permits addressing the proposed special permit conditions from the local health jurisdiction(s) in the quarantine area and the PFA.

Send the application to:

Jim Marra  
Pest Program Manager  
Washington State Department of Agriculture  
PO Box 42560, Olympia WA, 98504

### **Required Treatments**

The following treatments do not preclude other mitigation requirements that may also be included in the special permit. The treatment requirements are listed as follows (Sanford et al. 2016, Conclusion of Pest Risk Management, and page 259):

#### ***1. Processing:***

MGW from the quarantine area is mechanically ground or shredded in the quarantine area to a particle size small enough to aid heat exposure but large enough to produce a feedstock suitable for composting.

## **2. Heat Treatments:**

### *Option 1: Thermophilic Phase of Compositing*

The entire quantity of MGW that has been processed according to step 1 is composted in the quarantine area and during the composting process is exposed to either:

- (a) Temperature of at least 55°C (131°F) for a continuous period of two weeks or,
- (b) Temperature of at least 65°C (149°F) over a continuous period of one week or,
- (c) In the case of enclosed composting facilities, at least 60°C (140° F) for one week. A minimum number of turnings may be required to ensure that the whole mass is exposed to this temperature. Moisture content should be a minimum of 40%.

### *Option 2: Direct Heat Treatment*

The entire quantity of MGW that has been processed according to step 1 is exposed to 74°C (165°F) for 4 hours, 80°C (176°F) for 2 hours or 90°C (194°F) for 1 hour using wet heat.

## **3. Sanitation:**

Trailers must be thoroughly washed within the quarantine area prior to transporting MGW that has been treated under steps 1 and 2 into or through the PFA.

## **SEPA**

Although the applicant may be operating under a DNS following a previous SEPA, an additional SEPA review will likely be necessary. Under WAC 197-11-932, the county health authority “within whose jurisdiction is located the greatest portion of the proposed project area, as measured in square feet” is to be the lead agency for SEPA review. A DNS or MDNS will be required before WSDA issues a special permit. The terms and conditions of the special permit will be submitted to the local health jurisdiction that assumes lead agency status for the SEPA review. The county health authority’s final SEPA determination will need to consider the environmental issues and mitigations raised by the special permit application and the conditions to be imposed by WSDA.

## **Solid Waste Handling Permit**

Before an applicant may operate under a special permit, the applicant must also have a current solid waste handling permit or permit amendment from the applicable local health jurisdictions (RCW 70.95). Prior to approving a special permit, WSDA will submit a copy of the terms and conditions of the permit to the county health care authority.

## **Validation**

Validation by WSDA of the proposed heat treatment is a precondition to the issuance of a special permit (Sanford et al. 2016, page 259). After WSDA reviews and preliminarily approves the written proposal, WSDA may contract with an impartial third party to review the effectiveness of the heat treatments while the treatments are in operation at the facility in the quarantine area. The heat treatment that is chosen by the applicant must be validated through testing at the treatment site to confirm the method fulfills the requirements for heat treatments recommended in the PRA. The validation step, whether performed by WSDA or its contractor, will include data

collection on temperature and moisture over a specified time and spatial design. If the treatment method is validated through testing, WSDA will approve the treatment as a condition of the special permit. Signed special permits will be in effect for one year.

### **Monitoring**

After WSDA issues the special permit, WSDA staff will deploy AM traps around the facility and conduct inspections by recording moisture and temperatures of the MGW at regular intervals throughout the year (Sanford et al. 2016, page 260). Under WAC 16-470-917(1), the fee for issuing a special permit is \$125.00. There will be no additional fees imposed upon issuing a special permit under the current rule.

When all the above application requirements are met, WSDA will issue the special permit with the required terms and conditions. Any special permit, when issued, will need to comply with the special permit rules in effect at the time of issuance, including any rules applicable to fees associated with issuing the special permit. This guidance reflects the conditions and fees required under the current quarantine rules. At this time it is expected that any special permit would be issued for period of up to five years, subject to renewal under the special permit rules in effect at that time.

The quarantine rule governing the transportation of municipal waste and the apple maggot quarantine can be reviewed here <http://apps.leg.wa.gov/WAC/default.aspx?cite=16-470-124>.

## **References**

European Plant Protection Organization, 2008. Guidelines for the management of plant health risks of biowaste of plant origin. Bulletin 38: 4-9.

Sansford, C.E., V. Mastro, J.R. Reynolds. 2016. Pest Risk Analysis for apple maggot (*Rhagoletis pomonella*) moving on municipal green waste into the Pest-Free Area (PFA) of the state of Washington, WSA. Prepared for the Washington State Department of Agriculture. 271 pages. [http://agr.wa.gov/PlantsInsects/InsectPests/AppleMaggot/docs/FINAL\\_PRA\\_30\\_4\\_2016\\_2.pdf](http://agr.wa.gov/PlantsInsects/InsectPests/AppleMaggot/docs/FINAL_PRA_30_4_2016_2.pdf)

Washington State Department of Agriculture. Interactive AM Quarantine Map: <http://wsda.maps.arcgis.com/apps/InformationLookup/index.html?appid=5754ccc895ff4530b9a3258a169a7802>

Washington State University – Details on Apple Maggot: <http://jenny.tfrec.wsu.edu/opm/displaySpecies.php?pn=140>