

January 8, 2010

Mr. David W. Danner
Executive Director and Secretary
Utilities and Transportation Commission
1300 South Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

VIA EMAIL

RE: Docket # TG-080591
Comments on behalf of: Glacier Recycle, Hungry Buzzard & T&T Recovery

Dear Mr. Danner:

Glacier Recycle, Hungry Buzzard and T&T Recovery have each participated with the legislative committee of the Construction Materials Recycling Association's Northwest Chapter (CMRA-NW) and we support its comments on behalf of the recycling industry. We have been entangled in a related matter for the past two years while the WUTC staff has sought a classification determination on whether as a recycler we should be regulated as a garbage hauler under RCW 81.77 instead of under RCW 81.80 along with other recycling carriers. Although we would like to specifically address each point of the proposed language and its consequences and unintended consequences, we are concerned about the ramifications on the ongoing legal proceeding.

We appreciate the more creative approach taken by the WUTC in arriving at the latest draft of this proposed rule. While we feel comfortable that our businesses meet the performance standards suggested by this language, we feel it could have a negative impact on the emerging industry as a whole. As it stands, market economics ensure that independent recyclers are fully motivated to recover the largest percentage of material possible from every ton of debris handled. The fact that fluctuating global markets mean the PVC pipe might be marketable one month and not the next, should not trigger a rule that says a material recovery facility achieving a 74 percent recycling rate is somehow anything less than a huge success for our environment.

For the above reasons, we are concerned that arbitrary government imposed market constraints may disincentivize the growth of our industry. We feel that the rulemaking process conducted by the Department of Ecology resulting in WAC 173-345 addressed the issue of ensuring that businesses who transport recyclables do not haul materials for the purpose of disposal. The complicated challenge of establishing performance standards for facilities without disrupting fragile market dynamics, is one best left to the Department of Ecology for setting such standards, and we look forward to working with other stakeholders on that process.

Best regards,

John Yeasting
Glacier Recycle, LLC

Marc Christiansen
Hungry Buzzard, LLC

Troy Lautenbach
T&T Recovery, Inc.