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January 8, 2010

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

Dear Mr. Danner:

This letter reflects Snohomish County Solid Waste Division's comments to **Docket TG-080591 Solid Waste Definitions Rulemaking, WAC 480-70**.

Response:

The Snohomish County Solid Waste Division appreciates the opportunity to comment on the proposed rule. Snohomish County understands that independent recyclers play an important role in the solid waste system and that they help the State meet its recycling goals. It is also important to note that the regulation of solid waste collection and disposal by the State of Washington and its local jurisdictions ensures the financial stability of a solid waste system that is able to provide a wide range a services and environmentally safe disposal options for its citizens. As you are well aware, the current system significantly assists local jurisdictions in meeting state requirements by funding solid waste planning, post-closure requirements for closed landfills, recycling programs, educational programs, and operation of household hazardous waste facilities.

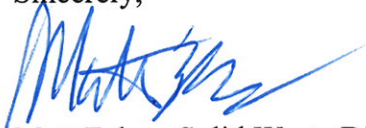
The proposed rules, as written, could have financial impact on the operations of the County's publically owned and operated facilities by allowing significant amounts of residual waste from a recycling process to be disposed of at a facility not designated by the jurisdiction from which the waste was generated. It is because of this impact that the Solid Waste Division is proposing the following language to be included in the rule.

Nothing in this rule shall pre-empt local governments from directing and controlling the flow of solid waste to designated facilities within its jurisdictional boundaries. Solid waste includes that portion of co-mingled construction and demolition debris loads that are not being recycled and any remaining residuals after the processing of construction and demolition debris for recycling.

Additionally, this language helps to address the use of residual materials as an alternative daily cover by allowing communities to best determine the final disposition of the waste.

In closing, the proposed rule appears in some respect as an attempt to more closely align rules regulating solid waste in Washington State with the Leadership in Energy and Environmental Design (LEED) credits adopted by the United States Green Building Council (USGBC). If this is the impedance for the proposed language I would strongly emphasize that the Washington Utilities and Transportation Commission, Department of Ecology, and local jurisdictions have a greater understanding and responsibility for the proper transportation and management of solid waste. With proper planning and programs in place construction projects can attain the required LEED certification credits.

Sincerely,



Matt Zybas, Solid Waste Director
Solid Waste Division

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