



TO: File – Docket TG-072226

FROM: Vicki Elliott and Betty Young
Safety and Consumer Protection Division

DATE: December 1, 2010

SUBJECT: Review of Required Compliance Filings

In its July 9, 2010 Order, the commission approved and adopted, subject to conditions, a settlement agreement filed by commission staff and the respondent companies, confirming that the transportation of construction and demolition debris for deposit into a landfill constitutes disposal, allowing the respondent companies to temporarily continue limited hauling of residual post-sorted waste loads, and requiring each respondent company to file its annual report summarizing the amounts of materials handled and disposed of each year.

The settlement agreement specifically requires the respondent companies to file with the commission in 2010, 2011, and 2012, copies of the annual reports they are obligated to file with the Department of Ecology pursuant to WAC 173-350, or for the Washington State Recycling Survey.

Staff Review of 2010 Compliance Filings

Commission staff reviewed the 2010 compliance filings for the respondent companies, Hungry Buzzard Recovery, LLC (Hungry Buzzard), Glacier Recycle, LLC (Glacier), and T&T Recovery, Inc. (T&T Recovery).

The companies reported the following information:

Company	Tons Collected	Tons Recycled/Sold	Tons Disposed	% Disposed
Hungry Buzzard	20,433	20,294	139	1%
Glacier	82,676	63,580	19,096	23%
T&T Recovery	16,733	16,364	1,907	11%

Analysis

The commission granted the respondent companies a temporary exemption from the “occasional basis” limitation in WAC 480-70-016(1), allowing the respondent companies to continue to dispose of construction and demolition debris generated from demolition activities and residual debris sorted out from their own material recovery facilities, conditioned upon the residual debris remaining small in relation to the overall amount collected.¹

¹ Commission Order 08 in TG-072226 at paragraph 49.

We question whether the 23 percent disposal reported by Glacier is small in relation to the overall amount collected. However, in the latest version of the draft rule in the solid waste rulemaking (TG-080591)², staff contemplated that material recovery facilities or recycling facilities should be able to demonstrate that at least 75 percent of the materials received are ultimately either delivered to recycling facilities or used as industrial boiler fuel. If we use this standard of no more than 25 percent disposal, then Glacier appears to be in compliance.

² Sent out for public comment on November 16, 2009.