

June 9, 2008

TO: Carole Washburn, Executive Secretary

Washington Utilities and Transportation Commission

RE: Comments on CR-101, Docket TG-080591 (Definitions rule making)

From: Shawn Doherty, Construction Waste Management, Inc.

I would like the opportunity to provide my opinion on any proposed changes or further restrictions on Independent recycling haulers such as myself. Although I am against further unnecessary regulations, I welcome the chance to help define the language as necessary to finally legitimize the service I and other companies have been providing to builders, contractors and homeowners throughout the Puget Sound area. When I started my company seventeen years ago in 1992 there was little or no recycling taking place on construction sites, as the G-permitted or (certificated haulers) had a complete monopoly on the hauling of all materials on a city by city contract basis. **All materials were considered solid waste** with the exception of Steel, Concrete and asphalt rubble.

These were the only materials readily being diverted from the landfill. When the language was altered slightly to allow for the exception of (source separated materials for recycling) I entered into the industry. Because of this single line change in the definitions that allowed for free enterprise my company flourished. I was able to perform the services that everybody wanted but G-permitted haulers would not provide.

My company and others like it put Washington State at the forefront of recycling construction generated debris.

In the late nineties I participated in the Governor's task force for recycling to help define and set realistic goals for recycling at the State level. I was later invited to the State Capital to speak to the General Service Administration to help create the contract language to be used to require construction recycling on all Washington State funded projects.

We have since worked for hundreds of builders on thousands of projects that include Washington State projects County projects, City projects, Highway/freeway expansions, Colleges and Universities, Schools, Churches, Retail Stores, Multi family, Housing developments and private homeowners.

In short the amount of work we have performed is substantial and needed in our communities, yet I have never felt any long term confidence that our industry would be allowed to survive. It has always been touch and go as we are being targeted by G- permitted haulers and their constant push for ever changing laws to close loop holes that will run small independent operators out of business. As an industry, how are we supposed to have the confidence to continue to invest large sums of capital and grow our companies or build elaborate new recycle facilities if we don't even know if we will be allowed to exist? We need to be given a future by creating the proper language to be recognized as a **permanent legal service Industry in the State of Washington.**

The attempt to require **exact percentages on every container or truckload load** of construction materials is unrealistic. This will essentially kill free enterprise and reduce the tremendous amount of material that is now being recycled, turning a large percentage of material back over to certificated haulers who cannot keep up with the non-construction related waste stream as it is. To be fair and accurate the amount or percentage of recycled materials being hauled should be determined and set by the permitted recycle facilities accepting and sorting the load which are now regulated by Ecology.

**All loads should be judged by the total of recyclables versus non-recyclables based on weight not volume.** Most recyclables are heavy that is why they are being targeted and diverted away from disposal. Items such as: Wood, drywall, concrete, and steel, etc. Example: a 20 yard container that weighs 2 ¼ tons and contains two tons of old wood shingles and the rest is non-recyclable tar paper scrap and metal flashing from the roof tear off. Because the tar paper may take up to 20% of the load by volume this load would now be questionable to recycle?

In the real world the average construction project produces a large amount of clean nearly all recyclable material at the beginning and as different phases of the project wind down and those materials are not being generated in high volumes it is not uncommon for some loads to have a lower percentage of recyclables. If all these loads were now only legal to be hauled by a certificated hauler/solid waste company it undermines common carriers and the overall effort to perform a recycle project where the goal is to document and divert as much material as possible from the landfill.

It is also not uncommon for other sub contractors on site to accidentally discard or dump some non-recyclable materials in to a recycle container. We simply sort out this material and back charge the customer a small fee to clean up load and it still gets recycled. If we were to take it to the transfer station it would be against our goal of recycling and also cost prohibitive for the customer who is used to getting a lot better pricing over normal disposal.

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Construction generated debris that is currently non-recyclable should not be defined as solid waste or treated like household garbage, it is simply the residuals of recycling.

True recycling monitors itself through competitive pricing. You cannot just simply haul material to the dump and stay in business, disposal fees are too high. Recycling haulers must seek out permitted recycle facilities to haul in source separated loads or sort their own comingled loads out to remain competitive in the market place. With the exception of some demolition waste most all new construction related waste is safe clean inert material that any common carrier should be permitted to haul regardless of the percentage of currently recyclable material in each load. I have seen markets come and go for a number of materials over the years. We need to allow free enterprise to create innovation, not limit transportation.

Thank you for the opportunity to comment.

Shawn M. Doherty, President

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