

From: William Turley [mailto:info@cdrecycling.org]
Sent: Thursday, July 03, 2008 1:36 PM
To: Eckhardt, Gene (UTC)
Subject: Re: UTC Solid Waste Rulemaking - Comments

Mr. Eckhardt:

Thank you for your interest in my comments. Different states use different terms, but the intent of my comments was to illustrate the need to focus on the actual recycling of C&D materials. Let me try to answer your questions:

1 A C&D recycling center means basically a C&D MRF (materials recovery or recycling facility). Perhaps between "legitimate" and "recycling centers" I should have put C&D. What is meant that the facility is primarily set up for recycling material and marketing those commodities, not just transloading of the material for eventual disposal, as discussed later.

2-3-4 In most states it is the state environmental agency that gives a license for a C&D recycling facility, sometimes implemented by local agencies. My understanding is that in Washington this is your Dept of Ecology and the local health jurisdictions. The important concept is to recognize facilities that actually achieve a reasonable recovery rate of 75 or 80 percent, and be certified in a way that clearly separates them from a sham recycler or a transfer station trying to pass itself off as a C&D recycler.

An example that was created in San Jose is the CDDD program, which has since spread around the nation. San Jose requires that at least 75% of the C&D generated in its borders be recycled at a certified recycler. Simplified, it does that by putting a fee on getting a demolition or construction permit. Say the fee is \$1000. If 50% of the waste generated by the project is recycled, then the entity getting the permit gets 50%, or \$500, back. But the material must be sent to a certified recycler. At the beginning of the program the city sent out inspectors to see if the facilities that wanted to sign up to be a part of the program actually had equipment for recycling, or were just doing very simple dump and pick operations and sending most of it off to a landfill. They found some of the solid waste permit holders claiming to be C&D recyclers were only recycling 20 to 30%, and these were not certified to be a part of the program. Indeed, we feel any facility recycling under 50% of what comes into its plant should be considered a sham recycler, especially if it is taking in large loads of material and just sending off most of it to a landfill. These facilities are often operated by traditional garbage companies, because of their economic integration with landfill operations. Instead, we suggest that the state should focus on sending the C&D to facilities dedicated to recycling and have the equipment and experience to recycle.

In the San Jose model, the city wanted at least a 75% recycling rate. The operator of the facility had to show receipts for end markets, for example boilers for the wood fuel and agricultural markets for drywall, to prove they were legitimately recycling. There were limits as to how much ADC could be generated by the C&D recycling plant, the operator could not just grind it all up for ADC and call it recycling. Fortunately, there is a recycling infrastructure in California. For a description of the CDDD program, please go to www.sjrecycles.org/business/cddd.htm
<<http://www.sjrecycles.org/business/cddd.htm>>

I know there is some good infrastructure in Washington also, and know that some of our members have been pioneers in establishing those processing plants and markets. I understand, from Dept. of Ecology figures, that your statewide recovery rate for C&D materials is already over 50% and is growing rapidly. You must have quite a number of effective recyclers around the state. State policy supports this recovery trend. Regulations should also support and facilitate the trend and not retard it.

Another tool for regulators to use in considering which facilities are recycling is the standards developed by the US Green Building Council's LEEDs rating system. This system basically requires monthly reports on facility-wide recycling rate performance. From what I understand, these reports contain similar information to what is already collected by your Dept of Ecology's annual recycling survey. The point is that if a facility is recycling, it should be willing to share data that documents its performance.

I think our main suggestion here is to try to make sure the C&D material is flowing to those facilities dedicated to recycling by having in place systems and markets that lets them achieve the kind of high recycling rates the state of Washington wants to see, and not have the material controlled by a company that happens to have a certain hauling permit and treats recycling with lip service.

Encouraging and supporting C&D recycling facility performance seems to be a more effective tool

than attempting to regulate the hauling of C&D recyclables like garbage. It will take work to certify who is really doing the recycling, and San Jose was fortunate to have a champion who made it work, Stephen Bantillo, who is now with the California Department of Conservation.

I am sure the CMRA would be willing to work with you to set up a program along these lines.

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Mr. Turley,

Thank you for your thoughtful comments. We are processing a lot of information regarding the recycling industry and the various entities participating in that industry. Language has caused some confusion. We have found that different people use different terms for the same facility, process, etc. I have several questions that I hope you will help me understand.

You wrote:

That tactic we suggest is to modify the state's solid waste definition to exempt from franchise control C&D materials that are going to legitimate recycling centers, or is source separated and going directly to licensed and approved recycling centers. Any of these recycling centers, whether owned by G-permit holders or not, must recycle at least 80% of what they bring in and must be able to demonstrate it has markets for the materials it is handling. In some markets this type of change could remove the control of the C&D from the G-permit haulers and allow others more dedicated to recycling to step in and recover more material. Adding these suggestions can open up the markets to provide the best recycling services.

1. Please define "recycling center."
2. Who or what agency "licenses" recycling centers? If you have a contact person my staff could talk to, I would appreciate that information.
3. Who or what agency "approves" a recycling center? If you have a contact person my staff could talk to, I would appreciate that information.
4. Who or what agency requires a "recycling center" to:
 - a. Recycle at least 80% of it brings in?
 - b. Demonstrate that it has markets for the materials it is handling?

Again, thank you for taking the time to file your comments and respond to my questions.

If you have any questions regarding the rulemaking process, etc., please let me know.

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