



June 9, 2008

Via Email (records@utc.wa.gov)
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive, S.W.
P.O. Box 47250
Olympia, WA 98504-7250

**Comment: Docket TG-080591
Solid Waste Definitions Rulemaking, WAC 480-70**

Good Day:

This letter is submitted in response to the Washington Utilities and Transportation Commission (Commission) May 9, 2008 notice inviting comments on Docket TG-080591, Solid Waste Definitions Rulemaking, WAC 480-70.

Washington food processors pack and can fruits and vegetables grown in Washington. The food processing industry is highly sensitive to all costs of business operations, including costs of business and regulatory uncertainty. Many food processors pay for transportation of fruit and vegetable by-products for consumption by cattle and in land application to condition and/or enhance soils for plant growth. Food by-products so used do not become waste and do not require disposal at a landfill, which conserves landfill capacity and avoids green house gas generation caused by decomposition of organic matter deposited in a landfill.

Current regulatory definitions regarding proper classification of fruit and vegetable by-products fed to cattle and in land recycling are unclear and cause confusion for food processors and businesses transporting solid waste under RCW 81.77 and common carriers transporting property under RCW 81.80. Definitions set forth in Commission regulations found in WAC 480-70 and elsewhere as appropriate should be revised to clarify that fruit and vegetable by-products provided for consumption by cattle and in land application either (a) should be classified and defined as "property" because such by-products are being put to a valuable and beneficial use and are not "waste" and should not be classified or defined as "waste" or "solid waste," or (b) should be defined under WAC 458-70-041 as "recyclable materials" because they are being recycled or reused for a valuable, useful and beneficial purpose.

Commission action adopting regulations clarifying that fruit and vegetable by-products consumed by cattle and land applied are "property" or "recyclable materials" and not "waste" or "solid waste" would conform regulatory definitions and classifications to the real world value and use of these fruit and vegetable by-products. Regulatory definitions clarifying that fruit and vegetable by-products fed to cattle and land applied/ recycled as either "property" or "recyclable

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materials” would eliminate the current state of regulatory uncertainty for food processors and business regulated by the Commission under RCW 81.80 and RCW 81.77.

Thank you for considering these comments.

Sincerely,

DEL MONTE CORPORATION

A handwritten signature in dark ink that reads "Timothy P. Ruby". The signature is written in a cursive style with a large initial 'T' and 'R'.

Timothy P. Ruby
Environmental Water Manager

cc: Craig Smith, Northwest Food Processors Association