



Sternoff METALS LLC

April 10, 2009

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

Re: Solid Waste Definitions Rulemaking, Docket No. TG-080591

Dear Director Danner:

Pursuant to the Washington Utilities and Transportation Commission's May 7, 2009, Notice of Opportunity to file written comments in the above-referenced docket, The Institute of Scrap Recycling Industries, Pacific Northwest Chapter, provide the following response to Commission Staff's Request for written comments:

The Institute of Scrap Recycling Industries, Pacific Northwest Chapter represents commercial recyclers involved in such commodities as metals, paper, rubber, plastics and electronics. Our members consist of over 1,700 companies nationwide, contributing an estimated 70 billion dollars to the US economy in 2007 alone.

We have always operated under existing state statute as outlined under RCW 70.95.903 which states:

RCW 70.95.903

Application of chapter — Collection and transportation of recyclable materials by recycling companies or nonprofit entities — Reuse or reclamation.

“Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials, or upon agreement with a solid waste collection company. Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from



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selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.”

Proposed docket TG-080591 appears to go beyond the commissions’ authority as it relates to commercial recycling in RCW 70.95.903. The authority to propose rulemaking would have to be clarified by the legislature to proceed with continuation of this draft. All recycling other than “government supported curbside recycling” is clearly outside the scope of authority of the commission, as sanctioned by the Washington State Legislature. Possibly directing the focus to curbside collection only, as presently authorized by statute could be an attainable goal under this proposal.

This draft clearly puts regulated companies as authorized in RCW 81.77 in direct competition with non-regulated companies. Allowing the regulated companies to co-mingle their regulated assets with their non-regulated assets with no clear accounting to the commission and therefore unfairly competing with non-regulated companies.

Recycling is not a solid waste handling activity in either purpose or function, rather it diverts significant amounts of raw materials away from hauling to and disposal in landfills. It allows us as a State and Nation to reduce our consumption of natural resources by reutilizing the resources that would otherwise be disposed and wasted as was done in prior generations.

Our industry would be pleased to explore options of helping to divert recyclable materials away from the waste stream and disposal, by participating as a stakeholder with the commission concerning similar matters in the future. This proposal is premature without all stakeholders sitting down and mapping out a direction to our environmental policy and practice in the 21st century.

Jay Sternoff

Pacific Northwest Chapter of ISRI President



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