



King County

Solid Waste Division

Department of Natural Resources and Parks

King Street Center

201 South Jackson Street, Suite 701

Seattle, WA 98104-3855

206.296.6542

711 TTY Relay

www.metrokc.gov/swd

June 9, 2008

Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 S Evergreen Park Drive SW
PO Box 47250
Olympia, WA 98504-7250

RE: Solid Waste Definitions Rulemaking, WAC 480-70 - Docket TG-080591
Division Director, Kevin Kiernan - Commenter

Dear Ms. Washburn:

Thank you for this opportunity for the King County Solid Waste Division to respond to the Washington State Utilities and Transportation Commission's Pre-proposal Statement of Inquiry regarding WAC 480-70, governing solid waste collection companies. We are in the process of updating our comprehensive plan and have put considerable thought into determining what we consider to be recycling versus disposal. We support policies that promote the highest and best use of solid wastes, following the hierarchy of reuse, remanufacturing, beneficial use, and finally disposal in an environmentally safe manner.

We recognize that beneficial use involving land application of solid wastes may under some circumstances be the highest and best use of a material, but at the same time we are aware that this form of recycling is at the lowest level of the beneficial use sub-hierarchy, and as such government policies and regulations should strive to limit the amount of solid waste that is recycled via land application processes.

This issue is of particular importance when dealing with residuals from mixed construction and demolition (C&D) processing facilities. Currently available technologies are such that these residuals typically equal or exceed approximately 15 percent of the processed materials. If these residuals are considered to be non-recyclable, unprocessed C&D materials would contain more than an incidental amount of solid waste and therefore not be eligible for exemption under WAC 480-70-01. If so, transfer of C&D materials to processing facilities via public highways would be limited in many jurisdictions to self-haul and certificated haulers.

The C&D processors serving King County have helped to significantly increase the recycling rate of C&D materials in our region. Since the two primary certificated haulers in King County are operated by companies that also own C&D processing facilities we are concerned that the other four processors, of the six in our region, could be placed at a competitive disadvantage if forced to use only certificated haulers to receive their feed stocks.

In King County we are proposing a revision to our codes to recognize that C&D processing residuals are recyclable under certain conditions. Specifically, we are proposing that residual levels up to 15 percent that are properly managed and serve a beneficial use in the operation of a landfill, or other approved land application are considered recyclable. Conversely, any residuals generated in excess of 15 percent would be considered solid waste.

We also suggest changes to the definition of incineration to clarify that use of recyclable wood in energy recovery processes does not qualify as incineration. These processes reduce the need to burn hydrocarbon based fuels and in turn have less impact on greenhouse gas emissions.

Our proposed changes to the definitions as listed below incorporate the policies as described above. Suggested deletions are struck and additions are underlined.

Suggested Changes to Definitions under WAC 480-70-0401:

(New definition-from WAC 173-350) "Beneficial use" means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use.

"Incineration" means to reduce the volume of solid waste by use of an enclosed device using controlled flame combustion. Incineration does not include use of recycled wood in an energy recovery process.

"Mixed Construction and Demolition Processing Facility" means a facility that accepts unsorted or partially sorted construction and/or demolition wastes and processes these wastes to separate materials that are used in recycling processes.

"Recycling" means transforming ~~or remanufacturing~~ waste materials into usable or marketable materials for use other than landfill disposal or incineration using one or more of the following processes:

- Direct reuse;
- Remanufacturing;
- Beneficial use, except for incineration, use as alternate daily cover (ADC) or structural fill in a landfill;
 - Exception to above: Land application of materials generated by a mixed construction and demolition processing facility, provided that the materials do not exceed 15% by weight of the total construction and demolition wastes processed in a facility as averaged over a calendar year, and also provided that the materials are used either as alternate daily cover (ADC) or structural fill in a permitted landfill, or in a land application process as approved under WAC 173-350.

Carole J. Washburn

June 9, 2008

Page 3

"Solid waste" or **"solid wastes"** means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to:

- Garbage;
- Rubbish;
- Refuse;
- Swill;
- Ashes;
- Industrial wastes;
- Sewage sludge;
- ~~Demolition and construction~~ Construction and demolition wastes;
- Materials that are generated from a mixed construction and demolition processing facility that are not used in one or more approved recycling processes as described in this section.
- Abandoned vehicles or parts of abandoned vehicles; and
- Source-separated recyclable materials collected from single and multifamily residences.

Thank you again for this opportunity to provide comments and to participate in this rule making process. We particularly appreciate the Commission's request for input before changes to the regulations are proposed. If you have any questions, please contact Jim Neely, Supervisor, Recycling and Environmental Services Section, Solid Waste Division, at 206-296-4472, or via e-mail at jim.neely@kingcounty.gov. You may also contact me, at 206-296-4385, or via e-mail at kevin.kiernan@kingcounty.gov.

Sincerely,

Kevin Kiernan
Division Director

KK:JN:mw
s\2008\tg080591

cc: Jeff Gaisford, Recycling and Environmental Services Manager, Solid Waste Division
Jim Neely, Supervisor, Recycling and Environmental Services, Solid Waste Division