

Discussion Draft
Docket TG-080591
November 16, 2009

NEW SECTION (WAC 480-70-XXX)

(footnotes provide cross-references to help explain this draft, but would not be included in the published rule)

(1) This rule defines when a person engaged in business as a carrier of mixed recyclable construction and demolition waste over the public roadways of this state requires a solid waste collection certificate. The rule applies only outside the limits of cities that provide their own solid waste collection service or contract for the service.

(2) For the purposes of this section:

(a) "Mixed recyclable construction and demolition waste" means any construction, demolition, or land clearing wastes¹ that contain, in a commingled state, commodities suitable for recycling or diversion from disposal, and which the person who generated the waste has hired the carrier to transport from the generator's site over the public roadways. The term does not include materials the generator has separated, at the source, into distinct marketable commodities (e.g., soil, clean wood, metal, drywall, concrete, asphalt roofing) for direct transportation to recycling facilities without an intermediate stop at a material recovery facility.

(b) "Recycling facility" has the same meaning as defined in WAC 173-345-030.²

(3) Any person transporting mixed construction and demolition waste for compensation must first obtain a solid waste collection certificate, unless the following conditions (a) through (d) apply:

(a) The generator of the construction and demolition waste is a commercial or industrial enterprise.

¹ Existing definitions in WAC 480-70-041 (definitions, general): "**Construction debris**" or "**construction waste**" means solid waste resulting from the building or renovation of buildings, roads and other man-made structures. Construction debris includes, but is not limited to, materials such as plasterboard, cement, dirt, wood, and brush. "**Demolition waste**" or "**demolition debris**" means solid waste resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste includes, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper.

² "**Recycling facility**" means a facility where recyclable materials are transformed or remanufactured into useable or marketable materials.

(b) The generator of the construction and demolition waste has provided a container of an appropriate size for non-recyclable waste generated on the site, as required by RCW 70.95.020(3) and WAC 173-345-040, and the container is separate from the container the carrier provides for placement of mixed recyclable construction and demolition waste.

(c) The carrier has conspicuously marked or placarded its recyclable materials container with a description of the types of materials that are acceptable for recycling or diversion.

(d) The carrier transports the mixed construction and demolition material either to a recycling facility or to a material recovery facility as defined by WAC 173-345-030.³ If the destination is a material recovery facility, that facility must either:

(i) comply with all of the terms and conditions of WAC 173-350-310(2)⁴ for exemption from permitting as an intermediate solid waste handling facility, or

³ "**Material recovery facility (MRF)**" means a facility that collects, compacts, repackages, sorts, or processes for transport source separated solid waste for the purpose of recycling.

⁴ (a) In accordance with RCW 70.95.305, material recovery facilities managed in accordance with the terms and conditions of (b) of this subsection are exempt from solid waste handling permitting. An owner or operator that does not comply with the terms and conditions of (b) of this subsection is required to obtain a permit from the jurisdictional health department as an intermediate solid waste handling facility and shall comply with the requirements of WAC 173-350-310. In addition, violations of the terms and conditions of (b) of this subsection may be subject to the penalty provisions of RCW 70.95.315.

(b) Material recovery facilities shall be managed according to the following terms and conditions to maintain their exempt status:

(i) Meet the performance standards of WAC 173-350-040;

(ii) Accept only source separated recyclable materials and dispose of an incidental and accidental residual not to exceed five percent of the total waste received, by weight per year, or ten percent by weight per load;

(iii) Allow inspections by the department or jurisdictional health department at reasonable times;

(iv) Notify the department and jurisdictional health department, thirty days prior to operation, or ninety days from the effective date of the rule for existing facilities, of the intent to operate a material recovery facility in accordance with this section. Notification shall be in writing, and shall include:

(A) Contact information for facility owner or operator;

(B) A general description of the facility; and

(C) A description of the types of recyclable materials managed at the facility;

(v) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report shall detail facility activities during the previous calendar year and shall include the following information:

(ii) have a current solid waste handling permit as required by WAC 173-350-310(9) and RCW 70.95.170 and be able to demonstrate that at least 75 percent of the materials that the material recovery facility receives, by weight, are ultimately either delivered to recycling facilities for recycling or used as industrial boiler fuel. To determine whether a material recovery facility meets this 75 percent recycling or diversion standard, the commission shall use the prior twelve months of facility operation or the time during which the facility has been in operation, whichever is longer. No materials taken from the material recovery facility to a landfill, transfer station, or incinerator may be counted as recycling or diversion, even if the material is used as alternative daily landfill cover or mixed with other wastes to help meet landfill slope or permeability requirements.

(A) Name and address of the facility;

(B) Calendar year covered by the report;

(C) Annual quantities and types of waste received, recycled and disposed, in tons, for purposes of determining progress towards achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW 70.95.010(4); and

(D) Any additional information required by written notification of the department.