

DOCKET TG-072226

EXHIBIT A
TO
DECLARATION OF LAURIE DAVIES



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

June 26, 2007

Mr. Arthur Wilcowski
Point Recycling and Refuse
P.M.B. 1542
145 Tyee Drive
Point Roberts, WA 98281

RE: Request for Clarification of Recycling and Beneficial Use Status

Dear Mr. Wilcowski:

I am responding to your letter dated May 7, 2007 requesting an official opinion and determination on whether the use of processed construction and demolition debris as alternative daily cover is defined as recycling under Washington State law. Our program position has been, and remains that the use of ground/processed construction and demolition debris as an alternative daily cover is not recycling.

By definition (RCW 70.95.030), demolition and construction wastes are solid waste. Recyclable materials are a component of the solid waste stream and are defined as those "solid wastes that are separated for recycling or reuse, such as papers, metals, and glass that are identified as recyclable material pursuant to a local comprehensive solid waste plan." Recycling is defined as "transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration."

There was little study of the composition of the wastes collected at these dropbox sites. These materials were not sorted at any facility, thus we have no knowledge of the amount of garbage that was hauled with the recyclables. With the entire contents of the drop-box ground to an amorphous condition, we would not call them recyclables. Even if we ignore this argument, we only need to look at the definition of recycling. Ecology does not support the contention that the grinding of C&D for alternative daily cover is what "transforming or remanufacturing waste materials" means. When you look at the definition in its entirety - that recycling is the remaking of materials for use other than landfill disposal or incineration - the phrase "*use other than landfill disposal*" shuts the door on defining any material being used for alternative daily cover as recycling.

The Washington Department of Ecology promotes high value (both economically and environmentally) beneficial end markets for C&D materials. The use of C&D for alternative daily cover is not considered a high value use. End markets need to provide sustainable benefits to Washington communities and their environment. Disposing of



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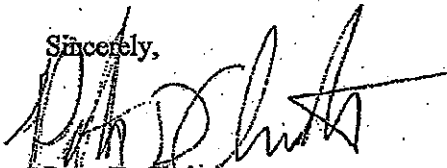
C&D as alternative daily cover shuts out ingenuity and invention that are the harbingers of more sustainable industrial systems.

No use of ground C&D as an alternative daily cover has ever been counted as recycling in our annual recycling survey, nor has any other alternative daily cover been defined as recycling in this state. When reported to Ecology, we have counted this use of these materials as disposal, or not counted it at all.

Please note that Ecology is not taking the position that ground up C&D cannot be effectively used as alternate daily cover. If it meets the specifications required for alternative daily cover, we accept that use. However, we will not define that use as recycling.

If you have further questions, please call me at 425-649-7076 or e-mail me at pchr461@ecy.wa.gov.

Sincerely,



Peter D. Christiansen
Section Supervisor
Solid Waste and Financial Assistance Program
Northwest Regional Office