

My name is Rod Whittaker, associate counsel for the Washington Refuse and Recycling Association. WRRRA represents the private sector solid waste service providers who provide essential environmental services every day in virtually every community in the state. WRRRA will submit written comments in detail, but on behalf of executive director Lovaas and our membership, I want to take the opportunity to highlight two key issues that the final rule should address.

First, I want to talk about the determination of waste test.

The test, if successfully implemented, should make a useful tool for both regulators and the industry. Elements of the test that incorporate positive market value and markets are crucial and we strongly support their inclusion.

However, the latest version of the test removes a key factor present in all previous versions. The missing factor stated that to no longer be considered a solid waste, a material must be separated from other solid wastes.

Ultimately, the rule has to support the statute, and recycling in 70.95 begins with source separation. The concept of source separation is key to both the act of recycling, and the underlying statutory authority here.

The legislature finds that source separation of waste must become a fundamental strategy of solid waste management, and ranks source separation second in its priorities for the management of solid waste in Washington in 70.95.010.

We understand that the fact that materials must be separated from other wastes may be inherent in some of the other factors, but the concept of source separation is so crucial to recycling that it should remain in the test.

And I also want to briefly comment on the recycling and material recovery facility section.

Changes that limit the scope of the permit exemptions in this section are a good first step in addressing longstanding issues with exempt facilities.

First, 173-350-210(2) states that a facility that does not comply with the terms of its exemption may be subject to permitting requirements. This should be changed to must become permitted or cease operation, in order for the rule to have any real effect. We understand that the department first offers technical assistance to bring entities into compliance. However, if they fail to achieve compliance within a reasonable but limited timeline, the rule needs to specify these facilities must also obtain a permit or close.

Second, the exemption table should also reference the Transporter Law and require compliance as a condition of permit exemption.

Overall, we support the changes in this section to limit the scope of the exemption, but without an accurate list of the effected entities, or an accurate listing of the existing facilities in Washington even, we are unable to fully support or understand the scope of these changes.

And we will also submit detailed comments that elaborate on the discussion here and other issues. Thanks for the opportunity to comment.