

Washington Asphalt Pavement Association

March 20, 2018

Delivered via On-Line Comment System Link 1:35 PM, March 20, 2018

ATTN: Kyle Dorsey

Program Rules and Policy Coordinator

Statewide Resources Section

Waste 2 Resources Program

Washington State Department of Ecology (DOE)

PO Box 47600

Olympia, WA 98504-7600

RE: Solid Waste Handling Standards Rulemaking - Chapter 173-350 WAC Public Comments

Mr. Dorsey,

Thank you for considering the Washington Asphalt Pavement Association's (WAPA) questions and suggestions as part of Department of Ecology's rulemaking process at WAC 173-350. I testified on behalf of WAPA at the March 6, 2018 public hearing. This letter is intended to serve as a more extensive public comment document, for your consideration and action.

WAPA represents the vast majority of hot mix Asphalt Producers in Washington State. WAPA speaks on public policy matters as an advocate for the private companies that manufacture in excess of 98% of the hot mix asphalt and cold patch asphalt produced in the state.

Our members believe that WAC 173-350-320 should include an additional, focused exemption for recycled asphalt shingles specifically intended for recycling into hot mix asphalt or cold patch asphalt products. WAPA respectfully requests that the DOE respond to the proposal outlined herein and incorporate WAPA's suggestions as part of a final WAC 173-350 rule. WAPA members are specifically focused on the treatment of source separated tabbed asphalt shingles routinely processed into recycled asphalt shingles (RAS).

As currently written the WAC 173-350 proposed rules do not encourage responsible waste reduction/ recycling for the only method for recycling tabbed roofing shingles endorsed by the DOE. The current treatment of recycled tabbed shingles is also out-of-step with the overarching statutory objectives for solid waste management and recycling contained in RCW 70.95.020. To comply with the goals of encouraging "the development and operation of waste recycling facilities", we suggest that the DOE incorporate a positive, responsible path for recycling tabbed roofing shingles. This would harmonize with the DOE's own study titled "Acceptable Uses for Recycled Asphalt Roofing in Washington State" which concluded that "Use of (asphalt roofing) as part of hot mix asphalt or cold patch does not need to go through an approval process under state solid waste regulation (emphasis added)." 1

As currently written, DOE is indeed adding a state solid waste regulation requirement. The current rule, as drafted, will discourage waste reduction by erecting additional barriers to potential tabbed asphalt shingle recycling by Asphalt Producers. WAPA submits that hot mix Asphalt Producers are the "problem solvers" for diverting roofing shingles into a 100% recycled use and we propose providing a responsible path to encourage RAS use, in keeping with DOE's legislative mandates and the conclusions of its own study.

WAPA proposes that any hot mix Asphalt Producer that is recycling source separated tabbed shingles should be able to operate under its existing DOE permits (e.g. water quality sand & gravel or construction storm-water general permits). In practical terms these existing permits already meet or exceed the proposed solid waste handling permit requirements for asphalt shingle storage. This being the case, we propose that an additional exemption, similar to those currently proposed within Table 320-A, be added to incorporate tabbed roofing shingles destined to be processed into RAS. The exemption would specifically cover the recycling of source separated tabbed asphalt shingles which are being 100% recycled as RAS into hot mix asphalt or cold patch asphalt.

As you know, hot mix Asphalt Producers have historically shown very good compliance in operating under sand & gravel storm water general permits and have demonstrated a high level of responsible operations for many years. Tying the proposed RAS exemption to known operators with existing permits creates a natural separation between speculative shingle recycling and a proven population of responsible operators that are motivated to protect the other industrial and mining activities already covered within existing permits.

We encourage Ecology to extend a solid waste handling exemption within Table 320-A for source separated tabbed roofing shingles stored for processing on property covered by a water quality sand and gravel permit, in order to encourage responsible operators that intend to recycle asphalt shingles 100% into hot mix or cold patch asphalt. This proposed exemption would be similar to the exemption now granted for other recycled asphaltic materials. The proposed Table 320-A update would be as shown below:

Table 320-A
Terms and Conditions for Solid Waste Permit Exemptions

Waste Materials Volume, Storage Time, and Capacity Requirements Specific Requirements for Activity or Operation

WAPA proposed added RAS exemption

(6) Source separated tabbed asphalt roofing shingles (tear off and manufactured waste) processing facilities with a water quality sand and gravel or construction stormwater general permit No volume limits

Facilities that recycle these wastes must comply with the recycling standards in WAC 173-350-210, including notification and reporting and must recycle 100% into hot mix asphalt or cold patch asphalt products.

WAPA believes that this proposed update to the final WAC Code 173-350-320 rule will responsibly encourage tabbed roofing recycling without erecting unneeded additional permitting burdens and will create a path toward development and operation of responsible waste recycling facilities specifically tied to hot mix asphalt and cold patch asphalt production. As per the WAC 173-350-320 rule, the conditions for management of the waste in piles will apply as currently proposed for the other exempt waste materials listed in Table 320-A.

The use of RAS in hot mix asphalt and cold patch asphalt cannot completely displace the volume of tabbed asphalt roofing shingles currently being disposed of in regulated landfills, but it can make a substantial impact. With encouraging recycling rules in place, I can foresee expanding current RAS use in western Washington from approximately 9,300 tons annually² to in excess of 70,000 tons annually³ as operational uncertainty is removed and permitting barriers fall for the region's hot mix Asphalt Producers.

If necessary for clarity, WAPA offers that source separated tabbed asphalt shingles, as used in Table 320-A, could be defined as "tabbed wall or roofing shingles that are made from asphalt, fiber (commonly fiberglass or cellulose) and surface granules of stone, ceramic, brick, or other material. Asphalt shingles as defined for the WAC 173-350-320 rule do not include modified bitumen or tar products, built-up "hot tar" roofing, rolled roofing, or other types of non-asphalt roofing not commonly identified as tabbed roofing shingles."

In closing, I note that just yesterday the DOE reached out via ListServ to the post-consumer plastics and unsorted paper recycling community, striving to turn the current market disruption for these items into "an opportunity to develop long-term plans to strengthen local processing capacity, identify and grow new markets, reduce contamination and deepen partnerships." I would point out that, by instituting the tabbed roofing shingle exemption proposed above, DOE would be accomplishing these goals for asphalt shingles by encouraging the use of RAS. An additional bonus is that the entire waste stream, "from roof to road", will be locally produced, controlled and regulated. The basic hot mix asphalt commodity can be reused and recycled perpetually in local asphalt production facilities throughout the region.

Thank you for your review and consideration of this proposal.

Respectfully submitted,

Washington Asphalt Pavement Association

David Gent, P.E.

Executive Director / Technical Director

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References:

1. State of Washington DOE Publication no. 09-.7-007, Conclusions, final paragraph, Page 5.
2. King Co. Solid Waste LinkUp testimony, March 9, 2018. 28,000 tons of RAS use in the last three-year period.
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As currently written, DOE is indeed adding a state solid waste regulation requirement. The current rule, as drafted, will discourage waste reduction by erecting additional barriers to potential tabbed asphalt shingle recycling by Asphalt Producers. WAPA submits that hot mix Asphalt Producers are the "problem solvers" for diverting roofing shingles into a 100% recycled use and we propose providing a responsible path to *encourage* RAS use, in keeping with DOE's legislative mandates and the conclusions of its own study.

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	WAPA proposed added RAS exemption		
(6)	<u>Source separated tabbed asphalt roofing shingles (tear off and manufactured waste) processing facilities with a water quality sand and gravel or construction stormwater general permit</u>	<u>No volume limits</u>	<u>Facilities that recycle these wastes must comply with the recycling standards in WAC 173-350-210, including notification and reporting and must recycle 100% into hot mix asphalt or cold patch asphalt products.</u>

WAPA believes that this proposed update to the final WAC Code 173-350-320 rule will responsibly encourage tabbed roofing recycling without erecting unneeded additional permitting burdens and will create a path toward development and operation of responsible waste recycling facilities specifically tied to hot mix asphalt and cold patch asphalt production. As per the WAC 173-350-320 rule, the conditions for management of the waste in piles will apply as currently proposed for the other exempt waste materials listed in Table 320-A.

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