



WASHINGTON REFUSE & RECYCLING ASSOCIATION

August 1, 2025

Mr. Chris Fredley
Rules Coordinator, Department of Ecology
300 Desmond Drive Southeast
Lacey, WA 98503

RE: WRRA Comments on Organic Management Concepts

Mr. Chris Fredley:

The Washington Refuse and Recycling Association (WRRA) is the longest serving Solid Waste Trade Association operating on the West Coast of the United States, as we have been advocating since 1947. The WRRA represents the private sector solid waste, recycling and composting industry in all its aspects in Washington State, including initial curbside residential and commercial collection & transportation to state-of-the-art recycling, compost and landfill facilities. WRRA member companies serve a vital role in public health, safety, and environmental protection.

The WRRA Members thank you for the opportunity to comment in the Organics Rulemaking process on the agency's proposed "concepts" prior to the issuance of proposed rules. WRRA has encouraged individual members that provide organics collection services and operate compost facilities to also comment on the draft concepts. We would ask that the department give specific attention to the comments submitted by Waste Connections and Cedar Grove as they operate collection services in addition to some of the largest compost facilities in our state.

Regarding this matter, we refer to WRRA's letter to the Department of Ecology dated June 12, 2024, concerning depackaging, as well as our informal comments submitted in March 2025. We would also make you aware of our discussion with the Solid Waste Management Program's Leadership and meeting with agency leadership regarding source separation earlier this year. WRRA's Source Separation Whitepaper is provided for your reference. It was updated following feedback from the Department this past Spring. I have also attached the above referenced June 2024 letter on depackaging and our informal comments from March 2025.

Lacking specific rule language we will offer these high-level comments on the department's proposed "concepts" at this juncture this in this rulemaking.

Conceptual Feedback:

- We ask: Should the department use this rulemaking to implement the three Organic Management Laws that have been enacted in 2022, 2024 & 2025? There are many aspects of these three laws that rulemaking could clarify, particularly on implementation. It would be appropriate to address this question early in the rulemaking process, when an amended CR-101 could be issued to address any potential changes that may be warranted to WAC Chapter 173-304, or other WAC chapters that are not specifically referenced in the Department's CR-101 filed on December 9, 2024. It may be necessary to consider amendments or new sections in WAC Chapter 173-304, for example, to provide sufficient guidance for "depackaging" facilities emerging in the industry.
- The three recent Organic Management Laws (OML's) are state mandates for local collection – both residential and commercial services- and the regulation of organic management facilities statewide. The department should be cognizant of the fact that these "state mandates" came with no associated state funds for local governments to implement these requirements. This will not only impact local government but also the generators of organics materials and the service providers whether it be a regulated residential or open-market commercial service.
- Source-separation should be emphasized throughout this rulemaking, both with respect to organics collection and the processing of those materials, regardless of whether the facility is a compost facility or a "depackaging" facility. Source separated organic materials must be clearly defined due to current inconsistent interpretations of state law, specifically related to packaged food.
- Source-separation by the generator should be a priority for the Department in this rulemaking and in the implementation of the OML's. A return to the "throw it all in one container, and we will separate it and recycle or compost it" will undermine the thirty years' of effort and investment in facilities and specific collection equipment and the regulatory direction that have already achieved high diversion rates throughout Washington State. In other words, generators should still be required to source separate easily separable items and processing facilities (both composting and pre-processing) should be prohibited from knowingly accepting recyclable items that will be landfilled. High-contamination recycling in the "front end" collection from the customer will lead to increased landfilling of residuals and compostable organics, undermining longstanding public policy goals and defeating renewed legislative objectives.
- Similarly, there should be standards and limits as to how much garbage is allowed in the "organics" bin for pre-processing
- As do others, we believe that the Department analogously should look to Vermont for experience with, and examples of, recently drafted rules on "Mechanical Depackaging" for guidance on how to regulate this activity.

- WRRRA Members have long dealt with contamination in all diversion activities whether residential or commercial municipal solid waste recycling, organic waste recycling or construction waste recycling. Consumer education, bin and container labeling, as well as accept and do-not-accept lists are critical components to reducing overall contamination. A list of municipal solid waste or organic “recyclables” should not contain garbage or specific items that will contaminate the specific stream of materials that is being collected for recovery.
- We would like more clarification on “pre-processing” facilities, and whether this new class of facilities will be fully permitted or allowed to only accept source-separated organic materials. The Department should seek to prevent pre-processing facilities from circumventing current collection, transportation and facility requirements.
- The Department should also look to the 2005 Transporter Law (RCW 70A.205.300-70A.205.340) and reconsider its policy of not implementing that statute. This law prohibits the delivery of recyclable materials for landfill disposal and should not be ignored as part of this rulemaking. Intent—2005 c 394: "It is the intent of the legislature to improve recycling, eliminate illegal disposal of recyclable materials, protect consumers from sham recycling, and to further the purposes of RCW 70.95.020 and the goal of consistency in jurisdictional treatment of the statewide solid waste management plan adopted by the department of ecology." [2005 c 394 s 1.]
- With respect to the transportation of residuals: WRRRA believes that the transportation of solid waste is not subject to regulation by the Commission once it is delivered to a post-collection facility, whether that be a transfer station, a material recovery facility or a compost facility. We do not believe that the transportation of residuals is a regulated UTC service, nor do we believe that Ecology has authority over this activity. This transportation element has not been treated as a regulated activity since 1961, when the collection and transportation of solid waste was initially regulated by the state. Instead, solid waste handling facilities have had the operational flexibility, when desired, to contract with motor carriers for the appropriate hauling of residuals from post-collection facilities. These motor carriers have been subject to regulation by FMCSA and other authorities, but they are not otherwise authorized to act as solid waste collection companies. *See* RCW 81.80.470(2) (“nothing in this chapter changes RCW 81.77.010(8), to allow any entity, other than a solid waste collection company authorized by the commission or an entity collecting solid waste from a city or town under chapter 35.21 or 35A.21 RCW, to collect solid waste that may incidentally contain recyclable materials.”). Thus, when considering the operations of regulated industry, such as WRRRA members, the motor carrier’s ability to haul residuals is secondary to, and follows from, the solid waste collection company’s authority to collect solid waste directly from customers. It is not necessary to require public tariffs or rate review for residuals hauling, as there

are many other laws that the state may enforce to assure safe, environmentally sound operations when a regulated company contracts with a motor carrier for residuals hauling. To the extent that other, unregulated companies may seek to haul excessive amounts of residuals, these companies may be properly “classified” and brought into compliance based on the nature of their “front end” services provided to customers, which likely involve high amounts of contamination and solid waste in their containers and bins. It is not necessary to change the regulation of residuals hauling throughout the state for all solid waste companies, when more direct means may be used to address specific companies who are not operating in compliance with Department or Commission rules.

Conclusion

Thank you for the opportunity to comment in this important rulemaking. We look forward to providing more specific comments when specific rule language is proposed. Please direct any questions to India Brine at india@wrra.org or me.

Sincerely,

A handwritten signature in black ink that reads "Brad Lovaas". The signature is written in a cursive, flowing style.

Brad Lovaas

WRRRA Executive Director