

August 1, 2025

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

Subject: Waste Connections Comments on Depackaging, Source Separation, and Organics Rulemaking

Dear Mr. Fredley,

Thank you for the opportunity to provide feedback on the Organic Materials Management Rulemaking. Waste Connections is a fully integrated solid waste services provider in Washington State. We own and operate three composting facilities, a recycling facility, and a landfill, and we are a UTC-regulated hauler. This unique position allows us to participate in every stage of the solid waste and recycling system, from collection to processing to final disposal. We appreciate the Department of Ecology's efforts to strengthen the state's organics management framework and offer the following comments to ensure the rules promote environmental integrity, operational fairness, and transparency.

We urge Ecology to align this rulemaking with the three Organic Management Laws enacted in 2022, 2024, and 2025. These laws mandate local collection services and regulation of organic management facilities, yet they were enacted without state funding for implementation. This places a burden on local governments, generators, and service providers. The rulemaking should clarify these mandates and ensure consistent application across the state.

Source separation must remain a cornerstone of Washington's organics strategy. Allowing commingled waste streams to be treated as 'source-separated' undermines decades of investment in collection infrastructure and public education. State law (RCW 70A.205.545) requires separation at the point of generation, and plastic packaging—being non-biodegradable—should not be considered part of the organic stream.

We support the current 5% contamination threshold for compost feedstocks and do not support the proposed reduction to 2%. We believe that composting facilities should retain the discretion to determine whether to accept and process materials based on their operational capabilities and quality standards. Imposing a lower, rigid threshold could limit flexibility and hinder effective feedstock management. A performance-based approach that empowers composters to make informed decisions is more appropriate for maintaining environmental and product quality goals.

We recommend the following for depackaging facilities:

- Inbound contamination limits equivalent to composting facilities

- A minimum 90% recovery rate
- Prohibition on accepting easily separable recyclable materials
- No commingling of source-separated food residuals with packaged food
- Monthly reporting by material class, contamination levels, and disposal rates
- Third-party audits and backup agreements with permitted facilities

Permit-exempt facilities should be limited in scope and subject to oversight. Transparency in reporting and recordkeeping is essential to track progress toward diversion goals. Pre-processing facilities must be clearly defined and regulated with residual limits to avoid becoming unpermitted solid waste facilities

Several areas of concern continue to raise important questions from our perspective as a owner and operator of compost facilities, recycling facilities, and a landfill, and a UTC-regulated hauler:

- Will depackaging increase the amount of recyclable material sent to landfills due to contamination?
- Are plastics and other non-biodegradable materials entering compost or digestate streams?
- What are the long-term environmental risks of microplastics or PFAS in land-applied materials?
- Does Ecology's interpretation of "source separation" comply with state law?
- Are depackaging facilities held to the same contamination and reporting standards as composters and MRFs?
- Are depackagers shifting contamination and disposal costs to other parts of the system?
- Are small or community-based composters disadvantaged by depackaging operations?
- Should depackaging be limited to heavily packaged food only?
- What lessons can Washington learn from other states, such as Vermont or Minnesota?

We urge Ecology to reinforce source separation, define organics clearly, and regulate depackaging facilities appropriately. By doing so, Washington can continue to lead in sustainable waste management while ensuring a level playing field for all stakeholders.

Thank you for considering our comments. We look forward to continued collaboration on this important issue.

Sincerely,

 Samantha Winkle
 LRI/SSO/Waste Connections