



**COMMERCIAL, RESIDENTIAL AND INDUSTRIAL
REFUSE & RECYCLING SERVICES**

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August 10, 2026

Chris Fredley
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504

Subject: Comments on the Proposed Organics Management Law Rulemaking

Dear Mr. Fredley,

Rubatino Refuse Removal provides a wide range solid waste collection services to the residents and businesses in the City of Everett. We are a family-owned company, and our daily collection operations across Everett neighborhoods and businesses provide us with direct, practical insight into how these proposed regulations will function in practice. We support the state's goals of reducing waste and building durable recycling and composting systems, and we appreciate the opportunity to comment again on the Department's organics management rulemaking. The comments below reflect our operational experience as a collection provider.

Depackaging Facilities Require Minimum Performance Standards

Our collection crews routinely service carts and dumpsters that businesses have already source separated. The yard and food waste is placed in one container and packaging or other recyclables placed in another. This sorting practice allows our compost loads to remain clean and our recycling loads to remain marketable. Under the current draft, depackaging facilities would be permitted to accept loads combining packaged and unpackaged food. This will lead to recyclable packaging that our crews already collect separately being landfilled, and contaminants reentering the compost stream.

The current proposal does not meaningfully regulate and limit what can be hauled to a depackaging facility. A depackaging facility without a recovery requirement or reporting obligation has little incentive to separate material effectively; it may characterize a load as processed regardless of how much of that load is ultimately disposed of. We ask that Ecology establish minimum recovery rates, inbound contamination limits, and a defined cap on allowable landfill disposal, along with regular reporting on inbound material and actual recovery outcomes. Haulers are held to defined service standards, and we believe the facilities receiving this material should be held to comparable standards.

Lack of guardrails also has implications for local revenue and planning. Material diverted from the regulated collection system through under-regulated depackaging does not merely bypass recycling and composting; it may conflict with local flow control requirements and existing municipal solid waste regulated territories, and it reduces the tax revenue associated with material moving through the regulated system as intended.

The Definition of Source Separation Should Not Be Expanded

Source separation has a well-established, longstanding meaning in our operations: separation of the different kinds of waste by the generator at the source. Generators located within Business Organics Management Areas are required by state law to do exactly this. RCW 70A.205 establishes source separation as the foundation of Washington's recycling and composting system, and a single container holding both packaged and unpackaged food does not constitute source-separated material under that framework. We do not believe Ecology has the authority to redefine this statutory term through rulemaking rather than through legislative action.

We would also encourage the Department to adopt a clear definition of "heavily packaged food," so that collection crews, generators, and processors operate under a shared and consistent standard. Only this narrow, hard-to-separate category should be directed to a depackaging facility; all other material should remain in the source-separated compost stream. This approach reflects the model Vermont has adopted and is consistent with the recommendations from a vast majority of stakeholders that have submitted comments on this rulemaking.

Compost Facilities Should Not Bear Costs Created by Other Parts of the System

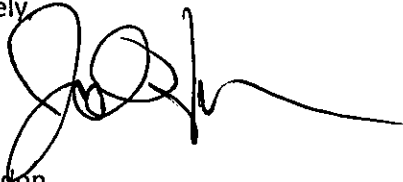
We also collect the yard and food waste that ultimately reaches area compost facilities, and we want to prevent increased costs for our rate base. The proposed finished-product testing requirements are more stringent than necessary, and the proposed 5% contamination limit does not specify a measurement methodology, whether by weight, by volume, or by visual estimate. Composting facilities cannot reasonably plan for compliance with an undefined standard. We ask that Ecology publish clear measurement guidance before this rule is finalized, and evaluate whether stricter testing requirements are needed or primarily increase costs that are ultimately passed to haulers and ratepayers. Washington's finished compost standards have supported a stable and trusted market for a number of years. We are not aware of a documented basis for making these standards more restrictive, and we are concerned that doing so would primarily increase costs without a corresponding environmental benefit.

In summary, we respectfully request that Ecology:

- Do not expand the source separation definition so that a mixed container of packaged and unpackaged food is treated as source-separated material within Business Organics Management Areas, consistent with RCW 70A.205 or under the general definition.
- Define "heavily packaged food" and require that this material be managed as a separate stream from clean, source-separated organics, consistent with the approach in Vermont.
- Establish minimum performance standards for depackaging facilities, including minimum recovery rates, inbound contamination limits, capped landfill residuals, and reporting requirements on inbound material and actual recovery outcomes.
- Address the flow control and local revenue conflicts that arise when depackaging facilities remove material from the regulated collection system without corresponding oversight.
- Issue clear guidance regarding the measurement methodology for the proposed 5% contamination standard, and reconsider whether the proposed finished-product testing requirements are more burdensome than necessary.
- Maintain the existing finished compost standards.

Our business has been built on effective source separation from the outset, and we believe the remainder of the organics management system should be held to a comparable standard. We appreciate Ecology's consideration of these comments and are available as a resource as this rulemaking moves toward completion.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Ogdon', with a long horizontal flourish extending to the right.

Joe Ogdon
General Manager
Rubatino Refuse Removal, LLC.