

## MCS Recycle (Michael Sheldon)

Thank you for the opportunity to comment. Please see the attached letter.



40 Lake Bellevue Dr., Suite 340 Bellevue, WA 98005  
Phone: (206) 556-3199 | Email: [info@mcsrecycle.com](mailto:info@mcsrecycle.com)  
[www.mcsrecycle.com](http://www.mcsrecycle.com)

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**Washington State Department of Ecology**  
**Waste 2 Resources Program**  
**P.O. Box 47600**  
**Olympia, WA 98504-7600**

**RE: Public Comment on Proposed Rulemaking – WAC 173-350-351 (Solid Waste Handling Standards: Material Recovery Facilities)**

Dear Department of Ecology Rulemaking Committee,

On behalf of MCS Recycle, we are writing to submit formal public comments regarding the proposed rulemaking for WAC 173-350-351 (Solid Waste Facilities – Material Recovery Facilities), specifically addressing the proposed 75% recovery rate threshold. As the largest handler and processor of Construction and Demolition (C&D) recyclable materials in Washington State—employing over 200 dedicated staff members and processing tens of thousands of tons per month across our facilities—MCS Recycle strongly shares the Department’s commitment to resource recovery. However, we strongly caution that rigid recovery thresholds, improper categorization, and failure to distinguish C&D processing from municipal curbside recycling pose severe operational and financial risks to Washington's waste diversion infrastructure.

Below, we outline critical technical, operational, and economic concerns along with specific policy recommendations to ensure rulemaking achieves meaningful environmental outcomes without unintentionally crippling C&D recycling capacity.

**Key Concerns & Strategic Recommendations**

**1. Preserving Expert MRF Sorting Over Unrealistic Jobsite Determination & Mandates:** Determining what is recyclable from a construction or demolition site must remain in the control of certified material recovery facilities (MRFs) that invest millions of dollars and expertly train employees to recover valuable materials from commingled C&D waste. Expecting roofers, framers, plumbers, or site supervisors to evaluate material recyclability on-site is impractical and inefficient. Furthermore, most urban jobsites

lack the physical footprint required for multiple single-stream containers. Forcing source-separation on constrained job sites leads to more trucks on the road burning diesel to haul small, partially filled loads. In contrast, commingling C&D waste on-site averages 3 tons per load, allowing MRFs to consolidate and ship recovered commodities in efficient 30-ton bulk loads to local end-markets—maximizing routing efficiency and minimizing carbon emissions.

**2. Prioritizing Absolute Recovered Tonnage Over Rigid Percentage Thresholds:** Ecology should decline to adopt rigid recovery, disposal, contamination, or residual rate thresholds (such as an arbitrary 75% target) for C&D MRFs. Focusing strictly on percentages overlooks the massive environmental impact of total material diverted. For example, at just one MCS Recycle Seattle facility with 20 trained employees, MCS Recycle processed 48,000 tons of inbound C&D waste in 2025, recovering 25,000 tons of valuable materials (and disposing of 23,000 tons as residual). Even a 20% recovery rate on 48,000 tons keeps 19 million pounds of metal, cardboard, gypsum, concrete, plastic, and wood from prematurely filling landfills. These recovered materials directly supply local circular economies: wood is converted to energy and mulch, ferrous metals become rebar for new construction, cardboard is re-manufactured into shipping boxes, gypsum is processed into fertilizer and new wallboard, and concrete becomes aggregate road base.

The Department should also not adopt a rigid recovery, disposal, contamination, or residual rate threshold because numerous factors—many of which are outside of the control of MRF operators—impact the percentage of material diverted at any given time. For example, material diversion rates can be impacted by the quality or condition of materials received (such as contaminated materials), the particular commodity being recycled, and/or a change in the dynamic market for a recyclable commodity. Material diversion rates are thus highly variable and residual materials are an unavoidable, legitimate byproduct of recovery operations; facilities must be permitted to dispose of residual waste efficiently under existing regulatory frameworks. Adopting a rigid percentage threshold ignores the realities of C&D recycling and will only result in more waste ending up in landfills.

**3. Creating Clear Regulatory Boundaries Between C&D MRFs and Curbside Recyclables:** The rules governing C&D processing must establish distinct regulatory boundaries that separate heavy C&D MRFs from residential and commercial commingled curbside recycling facilities. C&D streams consist of heavy, mixed structural materials that require specialized heavy equipment, mechanical screening, and manual sorting. Applying single-stream municipal solid waste (MSW) metrics or curbside standards to C&D MRFs creates an unworkable compliance burden that fails to reflect operational reality.

**4. Supporting the Jobsite 'Two-Bin' Framework While Maintaining MRF Sorting Authority:** MCS Recycle supports source-separation principles, including concepts similar to Ecology's established Two-Box / Two-Bin rule, to effectively keep MSW separated from C&D waste streams. However, once commingled C&D waste leaves the project site, it should continue to be routed directly to certified C&D MRFs for processing, sorting, and resource recovery. Once materials have been processed and identified as residual waste, they should be transported to disposal under the existing regulatory framework without arbitrary facility-level penalties.

**5. Recognizing Alternative Daily Cover (ADC) as Legitimate Beneficial Reuse:** Rulemaking must allow for the inclusion of mechanically separated ADC within a MRF's calculated recovery rate. When mixed C&D passes through trommel or shaker screens (producing 4-inch minus fines), it cleans the primary sort line for higher manual recovery while generating usable ADC. Landfill operators rely on ADC for essential vector, odor, bird, and rodent control. Disallowing ADC in recovery metrics disincentivizes screen processing and forces landfill operators to excavate virgin soil for daily cover, prematurely exhausting landfill capacity and frustrating state sustainability goals.

**6. Leveling the Regulatory Field Between MRFs and Transfer Stations:** If strict material quality control and recovery standards are enforced at permitted MRFs, equivalent standards must be applied to municipal and private transfer stations. Processing mixed C&D requires intensive labor, power, and capital equipment. Imposing unilateral regulatory burdens or performance thresholds solely on MRFs creates a perverse market incentive, driving mixed loads away from dedicated sorting facilities and directly into transfer stations for outright landfilling.

**7. Harmonizing with Organics Diversion Mandates (HB 1799):** Regulatory friction or overly rigid operational constraints at C&D processing facilities risk diverting clean, processed organic wood waste to disposal. Ecology must align WAC 173-350-351 with House Bill 1799 and existing organic waste reduction goals, ensuring that C&D wood recovery operations remain viable end-market feedstocks for mulch and bioenergy.

### **Conclusion**

MCS Recycle respectfully urges the Department of Ecology and Rulemaking Committee to:

1. Decline to adopt rigid recovery, disposal, contamination, or residual percentage thresholds for C&D MRFs.
2. Reinforce practical source-separation principles (such as the Two-Bin Rule) while maintaining C&D MRF authority over material sorting.
3. Formally count mechanically separated ADC toward recovery goals.
4. Establish distinct regulatory boundaries separating C&D MRFs from curbside MSW recyclables and level the playing field with transfer stations.
5. Recognize that residual materials are an unavoidable byproduct of recovery and allow disposal under existing regulatory frameworks.

Thank you for considering our comments and for your continued partnership in advancing practical, sustainable resource recovery in Washington State.

Sincerely,

*Michael Sheldon*

Michael Sheldon  
President, MCS Recycle