

Chapter 173-345 WAC

Recycling—Transporter Registration & Facility Notification

Frequently Asked Questions

Whom does this rule apply to?

The proposed rule applies to transporters of recyclables from commercial and industrial generators with five exemptions:

1. Carriers of commercial recyclable materials, when such materials are owned or being bought or sold by the entity or person, and being carried in their own vehicle, when such activity is incidental to the conduct of an entity or person's primary business;
2. Entities or persons hauling their own recyclables or hauling recyclables they generated or purchased and transported in their own vehicles;
3. Nonprofit or charitable organizations collecting and transporting recyclable materials from a buyback center, drop box, or from a commercial or industrial generator of recyclable materials;
4. City municipal solid waste departments or city solid waste contractors; or
5. Common carriers under chapter 81.80 RCW whose primary business is not the transportation of recyclable materials.

This rule also applies to all facilities that recycle solid waste, except for those with a current solid waste handling permit issued under the solid waste statute (RCW 70.95).

Are there any fees for transporters to register with Ecology and for Recycling facilities to notify Ecology of their operation?

There are no fees proposed for the registration program or the notification program.

Aren't the transporter registration program and the recycling facility notification program already in existence?

Yes. Both programs began in 2006. In November of 2005, transporters and recycling facilities were notified that Ecology was beginning both programs. The Transporter registrations began in 2006, as did the recycling facility notifications.

How difficult is it for a transporter to register with Ecology?

The registration program is an online form that can be filled out in approximately 20 minutes. If a prospective transporter has difficulty filling out the form there is contact information provided. Ecology staff can walk a transporter through the form, if necessary. After the first registration, annual renewal involves reviewing the information, making correction as needed and resubmitting the information to Ecology.

What is the definition of "recycling" in this rule?

The definition being used comes from Chapter 173-350 WAC, Solid Waste Handling Standards. The definition states: recycling means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. Recycling does not include collection, compacting, repackaging, and sorting for the purpose of transport.

What about transporters of recyclables that take recyclables across state lines for processing? (This answer is dependent on Nels Johnson's analysis)

The existing statutory language requires that all transporters keep records of locations and quantities including other specific information (i.e. generators name, service date, address, and invoice, documenting where recyclables were sold, delivered for processing or otherwise marketed). As part of Ecology's or local health department responsibilities records can be reviewed for rule compliance. If the transporter does not have records accessible to Ecology or the local health department, the transporter is subject to a penalty of up to \$1,000 per violation. If the records are available but the final destination of the material is not a recycling facility the transporter is subject to a penalty of up to \$1,000 per violation. If recyclables are delivered out of state, the destination would be contacted to determine compliance with our laws and rules.

What is the penalty process?

Once a complaint is received by Ecology or through Ecology observation, an investigation starts. The investigation first determines if a violation exists, then determines the appropriate course of action to bring the transporter into compliance. Fines are imposed when it is determined that the violation is serious enough to warrant penalties.

What are the penalty amounts?

Violations of this rule allow Ecology to access a penalty of up to \$1,000 per violation.

What if a transporter disagrees with a penalty?

Under Chapter 34.05 RCW, Administrative Procedures Act, a transporter can appeal Ecology penalties to the Pollution Control Hearings Board (PCHB). If either party does not agree with the PCHB decision, they can appeal the decision to the superior court in the county where the violation took place or in Thurston County.

What happens if a transporter fails to register or repeatedly violates the provisions of the statute and rule?

Ecology would continue to assess penalties and initiate other possible actions, as appropriate, until the transporter comes into compliance.

Who at Ecology implements this rule?

Each regional office of Ecology would be responsible for overseeing the requirements of this rule. Headquarters program staff would develop policies necessary to implement this rule.

What can cause a transporter to receive a penalty?

A transporter can receive a penalty for not registering with Ecology, not keeping records as required in section 050 of the rule, or for delivering recyclable material for disposal to a transfer station or landfill.

Can a recycling facility receive a penalty for violating this rule?

Yes, any facility, except for product take-back centers, that recycles solid waste materials within the state without first having a solid waste handling permit or completing a notification is subject to a civil penalty of up to one thousand dollars per violation.

CDL debris, Is this considered recyclable material?

First, in order for any material to be considered as a recyclable the material must be listed in the local solid waste management plan. If it is not listed in the local plan, it is not considered a recyclable material.

CDL used for hog fuel, what is it?

CDL used in hog fuel boilers is diversion, not recycling because the commodity is not transformed or remanufactured.

Can a registered transporter of recyclables haul CDL used as hog fuel?

CDL used as hog fuel is a commodity. Therefore this can be transported by registered or unregistered haulers. WUTC permits are not required because this is not garbage????

A transporter of CDL starts out hauling the material to a recycling facility for reuse. At some point in time, the CDL material becomes primarily solid waste. Who does the enforcement?

Initially, Ecology enforces any violations of Chapter 173-345 WAC. When the material increases to over a certain percentage of the load (10%) than WUTC is responsible for any violations of rules or statutes.