

Clerk File No. 308994

Clerk File No. 308994
Seattle Public Utilities Director's Rule SPU-DR-01-7,
relating to Beneficial Use for Construction and
Demolition Waste Hauling.

Related Legislation File: _____

Date Introduced and Referred:	To: (committee):
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action:	Disposition:

November 1, 2007
Date Filed with City Clerk

By _____

The City of Seattle – Legislative Department

Clerk File sponsored by: _____

Committee Action:

Date	Recommendation	Vote

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote



City of Seattle

Gregory J. Nickels, Mayor

Seattle Public Utilities

Chuck Clarke, Director

FILED
CITY OF SEATTLE

2007 NOV -1 PM 12:16

CITY CLERK

Memorandum

Date: October 20, 2007

To: City Clerk

From: Chuck Clarke, Director

Re: Director's Rule #SPU-DR-01-07

In accordance with Seattle Municipal Code 3.02 stipulating adoption of Department Director's Rules, and Ordinance 122446 which adopts a new definition for "beneficial use" and authorizes the Director of Seattle Public Utilities (SPU) to adopt rules designating those uses of solid waste which constitute "beneficial use," I am establishing the following attached Director's Rule #SPU-DR-01-7. The rule outlines specific material end markets which fall into the "beneficial use" and "recycling" categories in order to clarify what would then be considered "City's Waste" for construction and demolition (C&D) waste hauling.

Though a public hearing on this issue was determined not to be necessary, a lengthy stakeholder and public input process has taken place. A draft RFP for construction and demolition hauling for disposal document, which discusses "beneficial use," "recycling" and "City's Waste" was provided to industry stakeholders for questions and comment in June 2007. A rule specifically applying to "What Constitutes Beneficial Use for Construction and Demolition Waste Hauling" was published in the newspaper of record (the Daily Journal of Commerce) in August 2007 with a two-week public comment period. Industry stakeholders were also provided with a copy of the draft rule at that time. In early September, a responsiveness summary was provided to all of those who submitted comments, and a revised rule was republished in the Daily Journal of Commerce for another two-week public comment period in mid-September. The rule is now final and is attached. The effective date is when filed with the City's Clerk's Office.

Attachment (Director's Rule)

Cc: William Foster, Law Department
Timothy Croll, SPU
George Sidles, SPU

Hans VanDusen, SPU
Gabriella Uhlar-Heffner, SPU

2007 NOV -1 PM 12:16

Administrative Rule # SPU -DR-01-07

**What Constitutes Beneficial Use for Construction and Demolition
Waste Hauling**

CITY CLERK

Text of Final Rule:

1.0 Introduction

Seattle Ordinance # 122446 relating to the regulation of solid waste under the Seattle Municipal Code (SMC) adopted a new definition for "Beneficial Use" and authorizes the Director of Seattle Public Utilities (SPU) to adopt rules designating those uses of solid waste that constitute "Beneficial Use":

Beneficial Use (SMC 21.36.010): means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use. In accordance with the City's Administrative Code, Seattle Municipal Code Chapter 3.02, and Seattle Municipal Code Section 3.32.020, the Director of Seattle Public Utilities shall adopt rules designating those uses of solid waste that constitute beneficial use.

The definition for "City's Waste" was likewise changed under Ordinance #122446 to include a reference to "beneficial use" in addition to recycling:

City's Waste (SMC 21.36.012): means all residential and nonresidential solid waste generated within the City, excluding Unacceptable Waste, Special Waste and materials destined for recycling or beneficial use, which materials shall contain no more than ten (10) percent non-recyclable or non-beneficially used material, by volume. City's waste includes all such waste, regardless of which private or public entity collects or transports the waste. City's Waste includes all waste remaining after recycling or beneficial use.

SPU sees a need to establish a three tiered system of recycling (highest end value applications), beneficial use (lower end value applications), and disposal primarily for construction and demolition debris material end market uses, and to clarify what falls under "City's Waste" for construction and demolition (C&D) waste hauling. This Administrative Rule establishes the criteria used for determining beneficial use and acceptable end uses for C&D materials which can be designated as beneficial use. It also outlines specific uses of C&D materials which are considered "Recycling" as well as specific uses of C&D materials which are not considered "Recycling" or "Beneficial Use". These lists may be modified periodically by revision of this rule.

2.0 Criteria for Determining Beneficial Use:

The criteria used by Seattle Public Utilities (SPU) for determining which end markets fall in the beneficial use category include:

- Use of solid waste as an ingredient in a manufacturing process
- Use of solid waste as an effective substitute for natural or commercial products
- Use of solid waste in a way that does not pose a threat to human health or the environment
- Avoidance of processing or disposal cost alone does not constitute beneficial use. When an economic value is questionable, it should be verifiable by one of the following: 1) a sales receipt form from an end user or 2) a sales receipt from an end user for an alternative product that demonstrates the economic value of the substitute product. The absence of verifiable economic value suggests that the use is not an effective substitute for a natural or commercial product and/or that the use is intended to avoid processing or disposal cost.

3.0 Uses of C&D Materials which are designated “Beneficial Use”

The following end uses for specific C&D materials are designated as falling within the “beneficial use” category.

Materials	Examples of “Beneficial Use” End Markets
Unpainted and untreated construction wood waste processed into wood chips	<p>Hog fuel for boilers at paper pulp mills that create energy in the form of steam, heat and/or electricity for use in that facility or for resale in the energy marketplace.</p> <p>Fuel for industrial boilers permitted to combust such materials that create energy in the form of steam, heat and/or electricity for use in that facility or for resale in the energy marketplace</p> <p>Manufacture of wood pellets for use in pellet stoves.</p>
Creosote Wood not in contact with brackish or salt water	Industrial boiler permitted by the regulatory air quality jurisdiction to burn such materials that create energy in the form of steam, heat and/or electricity for use in that facility or for resale in the energy marketplace
Fines from processing construction and/or demolition wastes	<p>Land application when material is designated as “beneficial use” by Washington State Department of Ecology through their beneficial use application process</p> <p>Department of Natural Resources (DNR) land and mine recovery when State MTCA, state solid waste regulations and other applicable regulations are met</p>

4.0 Uses of C&D Materials which are considered "Recycling":

Recycling (SMC 21.36.016): means transforming or remanufacturing waste materials into usable or marketable materials for use other than incineration (including incineration for energy recovery) or other methods of disposal.

The following end uses for specific C&D materials are considered to fall within the "recycling" category. They include, but are not limited to:

Material	Examples of Recycling End Markets
Untreated and unpainted Wood Debris as dimensional lumber, pallets, crates, scrap from new construction	Finger jointed lumber Reconstituted panel board Wood/plastic composites Corrugated medium Compost & mulch Erosion control mats Playground chips Animal bedding Road construction
Oriented strand board, panel board, particleboard, clean dimensional lumber	Paper pulp for remanufacture into paper and corrugated medium
New or demolition scrap gypsum which is free of asbestos	New wallboard Cement manufacture when combined with clinker as a substitute for calcium sulfate
Asphalt shingles	Construction aggregate Hot mix paving applications Cold patch applications
Carpet	New carpet Carpet backing
Concrete/masonry	New concrete
Metals	New metal products
Cardboard from construction and demolition activities	Corrugated medium Cellulosic insulation
Pallet Wrap	Plastic Lumber

5.0 Uses of C&D Materials which are not considered "Recycling" or "Beneficial Use":

The following end uses for specific C&D materials are not currently considered "recycling" or "beneficial use". Such materials are subject to disposal. They include, but are not limited to:

Materials	Examples of End Uses not Recycling or Beneficial Use
Treated (as CCA) and lead-based	Hog fuel for boilers at paper pulp mills and

