



April 3, 2007

Mr. Patrick J. Cunningham
Deputy Director
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, Arizona 85007

Re: R18-13-308 – Frequency of Collection

Dear Pat:

Following up on recent discussions, I am writing on behalf of my client, the National Solid Wastes Management Association (“NSWMA”), to more formally request that the Arizona Department of Environmental Quality (“ADEQ” or “the Department”) initiate a rules amendment to R18-13-308, Arizona Administrative Code, which would allow for once-a-week collection of trash when accompanied by once-a-week collection of recyclables without the need for a variance as is currently required by the rule. Moreover, we respectfully ask that the Department do so outside the context of the comprehensive solid waste rules package and stakeholder process the Department hopes to commence later this year.

More specifically, we propose the following amendment to R18-13-308 (Frequency of Collection).

- A. The frequency of collection shall be in accordance with rules of the collection agency but not less than that shown in the following schedules:
1. Garbage only – twice weekly.
 2. Refuse with garbage – twice weekly.
 3. GARBAGE AND RECYCLING – ONCE WEEKLY.
 4. Rubbish and ashes – as often as necessary to prevent nuisances and fly breeding.
- B. EXCEPT AS PROVIDED ABOVE, A variance from the required frequency rate may be granted to allow for the collection of garbage once weekly. The variance may be granted by the Department of Environmental Quality upon submission of an acceptable plan approved by the local health department demonstrating that no public health hazards or nuisances will

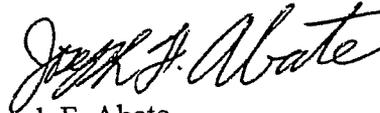
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exist and that fly breeding will be controlled by either biological, chemical, or mechanical means. The variance may be revoked whenever the Department of Environmental Quality determines that the circumstances warranting the variance no longer exist.

As you may know, this rule was originally adopted to save fuel during the fuel shortages in the 1970's and today, variances are issued primarily in conjunction with once-a-week curbside recycling collection. We believe this simple amendment could be accomplished relatively quickly if addressed outside the comprehensive rules package, and benefit the citizens of Arizona by allowing our companies to offer expanded collection services, particularly with respect to recycling collection throughout the state, with the regulatory burden of seeking a formal variance, while also potentially reducing fuel consumption and emissions.

If you have any questions or require any additional information, please give me a call. Thank you and we look forward to working with you towards effectuating this very simple and important amendment.

Very truly yours,



Joseph F. Abate
Legal Counsel for NSWMA

JFA/mle

cc: Amanda Stone
John W. Moody, Esq.
Mike Huff