

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of

MASON COUNTY GARBAGE CO.,  
INC. d/b/a MASON COUNTY  
GARBAGE, G-88,

Requesting Authority to Retain Thirty  
Percent of the Revenue Received From the  
Sale of Recyclable Materials Collected in  
Residential Recycling Service

.....  
In the Matter of the Petition of

MURREY'S DISPOSAL COMPANY,  
INC., G-9,

Requesting Authority to Retain Fifty  
Percent of the Revenue Received From the  
Sale of Recyclable Materials Collected in  
Residential Recycling Service

.....  
In the Matter of the Petition of

AMERICAN DISPOSAL COMPANY,  
INC., G-87,

Requesting Authority to Retain Fifty  
Percent of the Revenue Received From the  
Sale of Recyclable Materials Collected in  
Residential Recycling Service

DOCKETS TG-101542, TG-101545  
and TG-101548 (consolidated)

COMMISSION STAFF  
LEGISLATIVE HISTORY OF RCW  
81.77.185 (EXCERPTS)

<b>TABLE OF CONTENTS</b>	
<b>ITEM</b>	<b>PAGE</b>
Wash. Dep't of Ecology, <i>Revitalizing Recycling in Washington: Recommendations of the Recycling Assessment Panel</i> (Feb. 2000) (Ecology Publication No. 00-07-009) (excerpts)	4
<b>Fifty-Sixth Washington Legislature, Second Session (2000)</b>	
<b>House Bill 2939</b>	
Legislative History Summary	17
House Bill 2939	19
Substitute House Bill 2939	25
House Bill Report, HB 2939	36
Senate Journal, 56 <sup>th</sup> Leg., 2d Sess. 811-815	39
House Journal, 56 <sup>th</sup> Leg., 2d Sess. 1342-1350	45
Senate Journal, 56 <sup>th</sup> Leg., 2d Sess. 1040-1043	55
<b>Senate Bill 6715</b>	
Legislative History Summary	61
Senate Bill 6715	63
Engrossed Substitute Senate Bill 6715, as amended by House Committee on Agriculture and Ecology	76
House Bill Report, ESSB 6715	90
<b>Fifty-Seventh Washington Legislature, First Session (2001)</b>	
<b>House Bill 1907</b>	
Legislative History Summary	95
Substitute House Bill 1907	96
<b>Senate Bill 5716</b>	
Legislative History Summary	111
Senate Bill 5716	112
Senate Bill Report, SB 5716	129

ITEM	PAGE
<b>Fifty-Seventh Washington Legislature, Second Session (2002)</b>	
<b>House Bill 2308</b>	
Legislative History Summary	133
House Bill 2308	135
Senate Bill Report, SHB 2308	146
Final Bill Report, SHB 2308	148
2002 Wash. Laws ch. 299	150
<b>Senate Bill 6480</b>	
Legislative History Summary	157
Senate Bill 6480	158
Senate Bill Report, SB 6480	169
<b>Sixty-First Washington Legislature, Second Session (2010)</b>	
<b>House Bill 2539</b>	
Legislative History Summary	172
House Bill 2939	174
Senate Bill Report, E2SHB 2539	183
House Bill Report, E2SHB 2539	185
Final Bill Report, E2SHB 2539	189
2010 Wash. Laws ch. 154	191

DATED this 9th day of February 2011.

Respectfully submitted,

ROBERT M. MCKENNA  
Attorney General



FRONDA WOODS, WSBA #18728  
Assistant Attorney General  
Counsel for Washington Utilities and  
Transportation Commission Staff

# Revitalizing Recycling in Washington

*Recommendations of the Recycling Assessment Panel*



February 2000

Ecology Publication No. 00-07-009

## Table of Contents

<b>Our Assignment: Mission and Goals of the Recycling Assessment Panel .....</b>	<b>1</b>
Solving the Problem .....	1
How We Operated: Panel Composition and Operating Procedures .....	2
<b>Looking Back at Recycling in Washington -- How We Got To Today .....</b>	<b>4</b>
Waste Not Washington Act .....	4
Recycling Trends .....	4
Commodities Being Recycled .....	5
Description of Recycling Activities -- Public and Private .....	5
<b>What the Panel Learned -- Scope of Issues, Shared Fact-Finding .....</b>	<b>7</b>
Increasing Commercial Recycling .....	7
Increased Efficiencies in Residential Recycling .....	10
Increasing Recycling of Organic Materials -- On and Off the Farm .....	13
Recycling Contributions from Construction, Demolition, and Land-Clearing Waste .....	16
Measuring Recycling Performance -- Data Collection and Tracking .....	20
Building Long-Term Sustainable Markets for Recyclables .....	23
Raising Awareness Statewide -- Information and Outreach .....	26
Minimizing Environmental Impacts -- Product Stewardship .....	28
The Panel's Signatures in Support of Recommendations .....	30
<b>Appendix</b>	
Letter from Washington Utilities & Transportation Commission	

This report is also available in an electronic format at <http://www.wa.gov/ecology/swfa/swhome.html>

## OUR ASSIGNMENT: MISSION AND GOALS OF THE RECYCLING ASSESSMENT PANEL

The State of Washington established early leadership in solid waste reduction and recycling, triggered by the Waste Not Washington Act of 1989 (ESHB 1671).

The top priorities for our state were established as waste reduction and recycling of source-separated materials. The law also set a goal of recycling 50 percent of the municipal solid waste stream by 1995. Significant public and private resources have been invested in the recycling infrastructure statewide, and the recycling rate has increased year-to-year. It reached a high of 39 percent in 1996, but dropped suddenly to 32.4 percent the following year. Washington is seen as a leader nationally in this field, and the falling rate concerned people and organizations with a stake in recycling's success.

Reasons for the drop are myriad. Increased waste generation, poor Pacific Rim markets, a drop in recycling participation by waste generators, and lost funding for education and awareness programs, all appear to contribute to reductions in recycling success. Yet the problem is not simple — some sectors are achieving the goals, while others are not. There are questions about the completeness and accuracy of the information, bringing into question the reporting methods and tracking approach. Residential recycling has reached new highs, but commercial recycling rates dropped the most, raising issues about building and maintaining sustainable markets for recyclables. Finally, the 50 percent recycling goal does not reflect the other high priority for Washington — waste reduction.

### Solving the Problem

The Recycling Assessment Panel was convened by the Department of Ecology in September 1999 to assess the causes of the problem, and to identify, examine, and recommend actions to increase recycling. The panel recognized as a basic tenet that recycling is an important tool that can contribute to increasing and maintaining the overall quality of our environment, and maintaining a sustainable society.

Various aspects of recycling can contribute to improved water quality, soil health, and fisheries habitat through beneficial use of resources, pollution prevention, and water conservation — all critical elements of maintaining Washington's quality of life, environment, and economic vitality. The panel worked hard over a four-month period to identify specific, workable recommendations to increase source reduction, amount and types of recycling, and available markets for recycled materials. Their recommendations are intended to form a foundation for longer-term actions to increase sustainable recycling efforts in Washington.

Members brought to the table their knowledge, issues, and willingness to work together on creative solutions that addressed their diverse interests. They heard presentations from experts in all aspects of recycling, and debated the pros and cons of different approaches to resolving identified problems. Several common themes arose in their deliberations:

- Recycling success is critical to the overall environmental sustainability of our state, and contributes directly to solving other critical issues such as water quality, salmon recovery, and air quality.
- Remarkable investments have been made in recycling to date; those investments can be reinvigorated and leveraged to rebuild and maintain momentum toward aggressive goals.



- Opportunities exist to expand traditional thinking about materials to be recycled, and to look more broadly than traditional solid waste streams at areas and disciplines (agriculture, water quality) in which even more progress can be made.
- Collaborative approaches involving industry, government, and citizens are the only way to maximize the effectiveness of recycling efforts. We must all work together to implement a comprehensive waste reduction and recycling system, to the benefit of all Washington's citizens.
- Solid waste is uniquely important as a bridge between citizens and environmental stewardship. Most of our wastes are not actively managed by citizens, creating a disconnect. Solid wastes, on the other hand, are actively managed. Garbage is put under the sink -- then into cans -- whether into recycling bins or the garbage receptacle. This active management gives each of us a stronger link to the impacts of our daily lives.

During the panel's deliberations, the passage of Initiative 695, a citizen-sponsored initiative that repealed the state's motor vehicle excise tax and significantly reduced the amount of resources available for state spending, ignited significant debate among members. A great deal of effort was made by panel members to examine carefully each of the recommendations being developed to determine where private-public resources could be maximized, state resources could be reprioritized, or where no funding would be required. Each of the recommendations contains information on what funding and resources would be required for implementation. The panel deliberated and carefully chose to move forward only those recommendations that would have the most significant impact on the state's recycling rate.

## How We Operated: Panel Composition and Operating Procedures

The Recycling Assessment Panel was convened by Ecology in September 1999 and included representatives of local government, industry, recyclers, citizens, state government, and the Legislature. Groups were invited based on the pertinent information they could share with other panel members and the interests of each of the constituencies. Based on organizational nominations, recommended individuals were invited to participate on the panel.



Gip Eagles, Darlene Frye, and Don Seeberger, of Ecology, provided staff support. Ecology also selected through a competitive process an independent facilitation contractor. EnviroIssues supported the group through preparing for and facilitating meetings, developing needed background materials, working with members to resolve issues, and documenting panel deliberations and work products. Cunningham Environmental Consulting was a subconsultant to EnviroIssues and provided technical support to the panel.

The facilitation team conducted interviews with panel members, both in-person and via telephone, to develop an understanding of the members' understanding of issues relating to recycling, their organization's goals and interests in the panel's outcome, and input to the panel's structure and process. The results of these interviews were used to focus the panel's discussions on those issues of interest to a majority of panel members and understand what knowledge brought to the table by panel members could be used to inform the discussion.

The panel met six times between September and December 1999. Meetings were held primarily in the SeaTac Airport area. General groundrules were agreed to by the panel at its first meeting and included working collaboratively to understand other members' viewpoints; using interim discussions and agreements to build toward consensus on a complete package of recommendations; considering everyone's perspectives when defining consensus; and communicating with each other and the facilitation team.

The panel developed its recommendations through an iterative process. Panel members and outside experts were used to educate the panel about the history of a particular topic and what efforts were currently ongoing. Following the full panel meeting, a self-selected group of interested members would gather to further discuss the topic and draft potential recommendations. Draft recommendations were then brought to the full panel for review and feedback, with the small group often meeting again to incorporate comments. All proposed recommendations were considered draft until the final meeting at which the panel discussed the full set of recommendations and agreed to them as a complete package.

Jan Allen, CH2M Hill
Bill Anderson, Business and Industry Recycling Venture
Tim Attebery, Washington Food Industry
Jennifer Bagby, City of Seattle
Lynne Barker, Sellen Construction
Brian Carlson, Clark County
Gene Eckhardt, Washington Utilities and Transportation Commission
Senator Tracey Eide, Washington State Senate
Jeff Gaisford, King County
Pete Grogan, Weverhaeuser
Don Kneass, Washington State Recycling Association
Jessie Lang, Spokane Regional Solid Waste System
Representative Kelli Linville, Washington House of Representatives
Penny Mabie, City of Olympia
Nancy Malaret, Washington Citizens for Resource Conservation
Dave Michener, Washington Soft Drink Association
Fred Miller, Tri Vitro Corporation
Susan Robinson, Waste Management, Inc.
Amy Scharnowske, Whitman County
Jim Sells, Washington Refuse and Recycling Association
Cullen Stephenson, Washington Department of Ecology
Senator Dan Swecker, Washington State Senate
Lois Young, Skagit River Steel and Recycling
Loretta Zammarchi, Yakima County



## Waste Not Washington Act

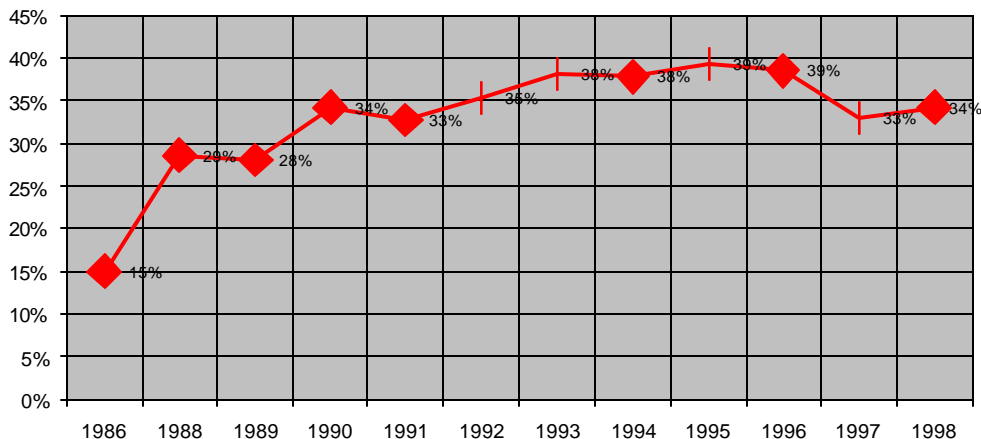
In 1989, the Waste Not Washington Act was passed, which set priorities for solid waste management in the state, including: waste reduction; recycling of source-separated materials; incineration, energy recovery or landfilling of source-separated solid wastes; and incineration, energy recovery, or landfilling of mixed wastes. Within the recycling priority, the state set a 50 percent goal by 1995. The Act also required local jurisdictions to create solid waste management plans that would implement curbside collection in urban areas and drop box recycling in rural areas. To assist in updating solid waste management plans, Ecology was authorized to provide grant funds to local governments. Also, Ecology was directed to develop a waste characterization plan, study problem wastes, and develop a state solid waste management plan. The Waste Not Washington Act also created a funding source -- the Solid Waste Management Account. Funds from this account were used successfully to establish recycling infrastructure in the state. As planned, the account was terminated after the initial recycling successes.

## Recycling Trends

Significant public and private resources have been invested in the recycling infrastructure statewide, and the recycling rate has increased year-to-year. The state's annual recycling survey collects information from local governments, haulers, recyclers, brokers, and other handlers of recyclable materials on portions of the municipal solid waste stream that are being recycled. Items that are tracked in the survey include newspaper, corrugated paper, aluminum cans, glass, vehicle batteries, tires, yard waste, wood waste, and food waste.

In 1987, the recycling rate was 23 percent. The recycling rate reached a high of 39 percent in 1996, but dropped suddenly to 32.4 percent the following year. Many believe the most apparent reasons for the drop were a poor paper fiber market in Asia and a continued glut in the metals market. In 1998, the recycling rate increased slightly to 34.1 percent as the markets improved slightly. Also of concern is the increasing state's population, because many residents have moved into the state and may not place as much importance on recycling as those who were present during past statewide education campaigns. While the state's recycling rate has not dramatically increased, it is encouraging to note that the total amount of materials being disposed in landfills has not increased.

Recycling Rate 1986 to 1998



## Increased Efficiencies in Residential Recycling

Residential recycling programs have matured over the past decade in Washington and today over 91 percent of the population has access to some kind of recycling facility or curbside program. In 1999, over 100 cities and counties offered curbside collection of recyclable materials while an increasing number are offering curbside collection of yard waste. Cities and counties develop their own recycling programs in their solid waste management plans and the Utilities and Transportation Commission is responsible for establishing rates.

Several local governments in western Washington have taken steps to improve the efficiency of their programs. The City of Olympia instituted a new system in 1998, and during the first six months of the new system, saw 452 more tons of recyclables collected than in the same period the previous year. The city also collected 121 fewer tons of garbage. The City of Tacoma's new program dramatically increased participation rates by an estimated 75 to 85 percent, and the amount of collected recyclables increased by 200 to 300 percent. The City of Seattle is implementing a curbside program in April 2000, which it hopes will increase its recycling rate by adding new materials and delivery containers for everyone. Improvements in efficiency, such as co-collection trucks and changes in frequency of collections are keeping costs down and reducing the number of collection vehicles on city streets.

In eastern Washington, the City of Yakima conducted a pilot curbside recycling program in 1998 to determine whether a full-scale curbside program would be feasible. The City found that a curbside program would not be feasible due to the need to subsidize the program, provide incentives to encourage participation, and the impact of rising and lower market prices, and decided to maintain its drop-off facilities. Other factors such as cost-effectiveness of services in a large geographical and low population area and ample disposal capacity make implementing curbside programs in rural areas of the state more difficult. Today, cities with populations of over 5,000 that do not have curbside collection programs, are located in central and eastern Washington.

### Findings

- It may be necessary to apply different approaches to residential recycling programs in rural and urban communities.
- It may be that barriers exist for local governments to apply innovative collection approaches to their recycling programs.
- The current rate-setting structure may not provide enough incentives to private haulers to seek out the highest-end market for recyclable materials.
- Residential curbside program participants need to be continually educated about the collection services and what materials can be recycled.
- Some jurisdictions have successfully implemented residential rate structures, which incentivize residents to reduce the amount of garbage being collected.

### *A Model for Improving Residential Recycling*

The City of Olympia provides a model example of improvements to their residential recycling program. Currently, 98% of Olympia residents subscribe to the curbside recycling service, and 35% subscribe to the curbside yard waste service. Ways that Olympia makes the collection program more efficient and effective include picking up garbage and recycling on an alternating, weekly basis; expanding curbside recycling to include plastics; implementing an extensive education campaign throughout the development of the expanded residential recycling program; including a multi-family, apartment and condominium recycling program; providing home composting education through the Local Home Composting Partnership; and giving a city-wide 10 percent price preference to recycled materials.

In 1998, the percentage of total waste recycled in Olympia was 47.7 percent. In the last few years, Olympia has reported a decrease in amounts of trash disposed, while the population of Olympia is growing at a rate of one to two percent annually. The City of Olympia believes that this trend "...shows the effectiveness of not only the recycling programs, but waste reduction efforts as well."

Residential recycling in Washington has been a great success, and is available to most households statewide. The panel sees, however, additional ways to make residential recycling even more successful and efficient. The panel recommends the following:

The Panel's  
Recommendations:  
Increased Efficiencies in  
Residential Recycling



### **1. Identifying and Overcoming Barriers to Improve Collection Efficiency**

Ecology should conduct a pilot study designed to discover what barriers may exist for jurisdictions wishing to improve their residential recycling (single and multifamily) collection programs with the intent of capturing more of the recycling stream. This increased capture rate would be the result of improving collection efficiency and convenience of collection for existing materials and/or new materials. There have been local jurisdictions in Washington that have significantly improved the amount of material collected by changing their collection methods, including the cities of Olympia and Tacoma.

RCW 70.95.010 requires Ecology to “monitor curbside collection programs and other waste segregation and disposal technologies to determine, to the extent possible, the effectiveness of these programs in terms of cost and participation, their applicability to other locations, and their implications regarding rules adopted under this chapter.”

The purpose of the pilot study would be two-fold: to verify or disprove the existence of perceived barriers and to identify other circumstances not currently thought of as barriers to improvement. Such barriers may be financial, regulatory, political, logistical, or community-based and may affect all of or some of the following collection systems: curbside collection by a city, county or franchise, or a drop-off system operated by a city or county. The perceived barriers may include:

- Financial (such as inadequate funds for staffing, planning or operating programs),
- Regulatory (Ecology (such as permitting facilities), local health jurisdictions, Utilities and Transportation Commission and municipalities (such as rate setting), etc.),
- Political (such as elected officials unwilling to support solid waste programs that require additional taxes or impose higher rates on customers), or
- Community-based (such as lack of processing/marketing capabilities or interest/commitment of population).

The study would consist of two parts. Part 1 would be a statewide survey of all jurisdictions and private recyclers, with the intent of getting information from all levels, from collection personnel to planners. As part of this study, an invitation would be issued to all jurisdictions to apply to participate in the second part of the study. Ecology regional recycling coordinators would be used to partner with local government staff and industry staff to seek out in-depth information.

Part 2 of the study would be a pilot program, involving local governments from east/west and rural/urban communities. Selected communities would attempt to improve existing recycling programs with the goal of increasing program yields. Funding for Part 2 could be tied in with the Coordinated Prevention Grant (CPG) cycle administered by Ecology. Advice would be available to the participating communities through a “short-term consulting group” comprised of personnel from local governments and recycling companies who have successfully implemented collection strategy improvements.

The pilot study would evaluate whether or not the perceived barriers are real barriers. This will help to focus efforts to dispel perceived barriers and address real barriers. By developing and implementing program changes, the group should be able to identify real barriers. Finally, next steps to eliminate the identified barriers would need to be recommended.

## 2. Revenue Sharing Through Commodity Credits

Under the current system, companies that collect residential recyclables in the Utilities and Transportation Commission-regulated areas of the state pass on all of the revenue from the sale of the recyclables directly to their customers through a recycling “commodity credit” adjustment on their residential recycling collection rate. The value of the commodities is reviewed each year and a commodity credit adjustment is made to the residential recycling collection rate. In most cases, there are many marketing options for recyclers when selling their recyclables. In the current system, there is no incentive for recyclers to increase the quantity or quality of materials collected, seek out the highest end use for any particular commodity, or to attempt to sell their material at the very highest market price, since 100 percent of the revenue from the sale of the material is passed back to the customers. Creating a revenue-sharing program where recyclers are allowed to retain a certain portion of the revenue received from the sale of the recyclables would encourage recyclers to collect more, and to seek out the best and highest end uses for recyclables collected in curbside recycling collection programs in regulated areas of the state. This would also benefit other areas of recycling all the way “down the food chain,” creating an overall more stable recycling market.

The panel recommends that the proposal to implement a market-sharing plan in regulated areas throughout the state be implemented with a proposed 30/70 split in recycling revenue. The private sector would retain 30 percent of the revenue from the sale of recyclables in any given year, and the remaining 70 percent would be returned to residential customers served throughout the state. The effectiveness of revenue sharing should be evaluated after a three-year implementation period. The Utilities and Transportation Commission should also evaluate the cost impacts to customers at the end of the three-year implementation period. In order to participate in the program, haulers will be required to submit a plan to the Utilities and Transportation Commission and local government to demonstrate how they will use the revenues to increase recycling. An annual report will also be submitted by participating companies describing the effectiveness of their recycling efforts.

The Legislature in 2000 should direct the Utilities and Transportation Commission to provide for this revenue-sharing incentive as part of the next commodity credit analysis. The reason for this legislative directive is simple: the concept of providing an incentive to the private sector to recycle more through a revenue-sharing plan will result in a benefit to all customers served in Utilities and Transportation Commission-regulated areas. Yet, this incentive system does not fit into the Utilities and Transportation Commission’s existing model.

Revenue from the sale of recyclables would be considered in the commodity credit-setting process, as opposed to the cost of service process, in order to provide for a true incentive for the private sector to recycle more, and to encourage upgrading of the quality of recyclables in order to receive a higher market value for the material.



### 3. Residential Incentive Rates

County and cities are encouraged, through their comprehensive solid waste management plans, to establish residential collection rate structures that provide strong incentives for customers to reduce their level of garbage collection service and encourage customers to participate in waste reduction, recycling, and yard waste collection programs. The Legislature should direct rate-setting jurisdictions to set residential rates for regulated franchise haulers that are consistent with the incentive rate structures established in related implementation ordinances.

#### Funding and Resources

The statewide survey and coordination of the pilot program would require additional functions within the Ecology staff. Coordinated Prevention Grant funds may be a source of funding for the pilot program for local governments.

## Increasing Recycling of Organic Materials -- On and Off the Farm

Organic material is a relatively new focus of recycling efforts, but one that holds great potential for reducing the amount of material entering our landfills. Beneficial uses of recycled organic materials include making use of soil nutrient material, as fertilizers, reducing disposal costs, and reducing leachate in landfills. Increasing the health of soil by applying organic materials can reduce the amount of runoff into salmon habitat.

In eastern Washington, landowners are using biosolids application to increase the yield, health, and nitrogen in the soil. For example, biosolid materials from western Washington are applied to agricultural lands on the east side of the Cascades. Private-public partnerships assist landowners with permitting projects, provide soil and water testing, and participate in public education efforts. In other areas of the state, large-scale composting facilities are taking residential and commercial yard waste and creating soil amendments and other marketable materials. However, issues such as traffic, odor, dust, permitting, and marketing have created disincentives for the siting of new facilities.

King County's agricultural waste equals the amount of food and yard waste being generated in the County. This is in large part due to the fact that King County has the largest population of horses in the state. A cross-team approach is currently being implemented to increase the amount of organic materials being recycled, such as on-farm compost facilities, technical guidance to farmers, and research projects. Taking agricultural waste from farms and using it productively for fertilizer and other uses will not only decrease the amount of waste going into our landfills, but also decrease runoff of pollutants into salmon-bearing streams.



#### Findings

- The benefits of organic material recycling to other environmental issues, such as air and soil quality, and salmon restoration, need to be maximized and clearly explained to the public and decision-makers.
- More information is needed on the potential for organic materials recycling, including potential applicability, costs, and permitting requirements.
- Regulators and health departments should expand their views of wastes to include potential resources.
- Numerous efforts are ongoing throughout the state, however, little coordination is occurring.
- Some jurisdictions have made significant progress on reducing the amount of yard waste entering landfills, which could be duplicated in other areas of the state.





STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 664-1160 • TTY (360) 586-8203

December 28, 1999

Cullen D. Stephenson, Program Manager  
Solid Waste & Financial Assistance  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7655

RE: Recycling Assessment Panel Recommendations

Dear Mr. Stephenson:

Thank you for the opportunity to participate in the Recycling Assessment Panel. The participants worked hard to develop comprehensive recommendations on many complex issues. I intend to sign the report, but believe two issues require further explanation than appears in the text. I request that these additional views be included as an appendix to the report.

**Revenue Sharing through Commodity Credits**

The report recommends that solid waste haulers share revenues from the sale of recyclables with ratepayers. The UTC currently allows solid waste haulers to adjust rates annually to reflect commodity prices for the recyclables they collect. If market prices are low, so that haulers are charged to dispose of recyclables, they are allowed to pass those charges on to ratepayers. If market prices are high, so that haulers are paid for recyclables, they credit the revenues to ratepayers. The current system allows ratepayers to benefit from strong markets, while insulating haulers from the risks of market volatility. The recommendation in the report would change the current formula by allowing haulers to keep 30% of the revenue from the sale of recyclables as an incentive to increase recycling and find better markets for recycled materials.

The amount of money involved is significant. If every regulated hauler used the incentive, solid waste customers would pay at least \$1 million more per year. To ensure that the incentive actually increases recycling and is not simply additional profit, the report recommends that participating haulers submit a plan for increasing recycling and annually evaluate the results. The report also recommends an initial three-year implementation period. Because of these requirements, I believe that risks to ratepayers are sufficiently limited to make the revenue sharing approach acceptable.

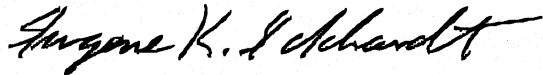
Mr. Stephenson  
Page 2  
December 28, 1999

### **Residential Incentive Rates**

The report also proposes to require the WUTC to follow residential incentive rate structures contained in local solid waste ordinances. Currently, the local ordinances are advisory. Under the report's recommended approach, rate design would be decided ahead of and separate from the rest of the rate case process. In our experience, rate design is an area of active public comment during a rate case. If the proposal is adopted, customers wishing to comment on rate design would need to participate in local ordinance proceedings well in advance of being notified of an actual proposal to increase rates. Also, incentive rate designs charge heavier users a substantially higher price as an inducement to reduce use. Depending on the specifics of a rate case, this can disproportionately affect larger families and lower income households. Under the proposal, the WUTC could no longer take these effects into account in designing rates. To ensure that customers will have a meaningful opportunity to participate in decisions that affect them, and to avoid unintended effects, the WUTC and local governments will need to work closely and possibly revise customer notice procedures.

Again, I appreciate the opportunity to participate. I look forward to working with you in the future as these policy discussions continue and as we work to implement any legislative changes.

Sincerely,




Eugene K. Eckhardt  
Assistant Director of Transportation and Water

# House Bill 2939

Fifty-Sixth Washington Legislature, Second Session (2000)




**WASHINGTON STATE LEGISLATURE**  
**Detailed Legislative Reports** - *Bill Summary*  
[DLR Home](#) | [Legislature Home](#) | [Senate](#) | [House of Representatives](#) | [Basic Search](#) | [Register](#) | [Log In](#)  
[Home](#) | [Bill History](#) | [Bill Tracking](#) | [Docs](#) | [Bill Sponsors](#) | [Roll Calls](#) | [BI/OC](#) | [Topical Index](#) | [Selected Step](#)

List documents before history  
 Open documents in a new window

Bill Number

Biennium

**HB 2939**  Providing guidelines for recycling and waste reduction.

Go to documents...

**HISTORY OF BILL: HB 2939**  
**Monday, December 27, 2010 11:40 AM**

 [Print Version](#)

Sponsors: Representatives [Linville, G. Chandler](#)

**2000 REGULAR SESSION**

- Jan 24 First reading, referred to Agriculture & Ecology. ([View Original Bill](#))
- Feb 4 **AGEC - Majority; 1st substitute bill be substituted, do pass.** ([View 1st Substitute](#))  
Passed to Rules Committee for second reading.
- Feb 8 Placed on second reading by Rules Committee.
- Feb 10 **1st substitute bill substituted (AGEC 00).** ([View 1st Substitute](#))  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 95; nays, 0; absent, 3. ([View Roll Calls](#))

**IN THE SENATE**

- Feb 12 First reading, referred to Environmental Quality & Water Resources.
- Feb 25 EQWR - Majority; do pass with amendment(s).  
 Minority; do not pass.  
Passed to Rules Committee for second reading.
- Feb 28 Made eligible to be placed on second reading.
- Feb 29 Placed on second reading by Rules Committee.
- Mar 3 Committee amendment adopted as amended.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 47; nays, 0; absent, 2. ([View Roll Calls](#))

**IN THE HOUSE**

- Mar 6 House refuses to concur in Senate amendments. Asks Senate to recede from amendments.

**IN THE SENATE**

- Mar 9 Senate receded from amendments.  
 Rules suspended.  
 Returned to second reading for amendment.  
 Floor amendment(s) adopted.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 47; nays, 0; absent, 2. ([View Roll Calls](#))

**IN THE HOUSE**

By resolution, returned to House Rules Committee for third reading.

Go to history...

## Available Documents

For a complete list of documents, go to Detailed Legislative Reports [Text of a Legislative Document](#)

### Bill Documents

Original Bill  
Substitute Bill (AGEC 00)

### Bill Digests

Bill Digest  
Substitute Bill Digest

### Bill Reports

House Bill Report  
Substitute House Bill Report  
House Bill Analysis  
Substitute Senate Bill Report

### Amendments

2939-S AMS EQWR S5017.1 (EQWR COMM AMD ADOPTED 3/3/00)  
2939-S 3-3-00.P (MESSAGE SEN PASSED W/AMEND)  
2939-S AAS 3-3-00 (EQWR AMD ADP AS AMD BY #232)  
2939-S AMS EIDE 002 (AMD 232 ADOPTED 3/3/00)  
2939-S AAS 3-9-00 S5148.2 (AMD 288 ADOPTED 3/9/00)

Fiscal Note (Not Available)

---

HOUSE BILL 2939

---

State of Washington

56th Legislature

2000 Regular Session

By Representatives Linville and G. Chandler

Read first time 01/24/2000. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to recycling and waste reduction; amending RCW  
2 70.95.010, 70.95.090, and 70.95.290; and adding a new section to  
3 chapter 81.77 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 81.77 RCW  
6 to read as follows:

7 (1) The commission shall allow solid waste collection companies  
8 collecting recyclable materials to retain up to thirty percent of the  
9 revenue paid to the companies for the material if the companies submit  
10 a plan to the commission that is certified by the appropriate local  
11 government authority as being consistent with the local government  
12 solid waste plan and that demonstrates how the revenues will be used to  
13 increase recycling. The remaining seventy percent of the revenue shall  
14 be passed to residential customers served throughout the state.

15 (2) By December 2, 2003, the commission shall provide a report to  
16 the legislature that evaluates:

17 (a) The effectiveness of revenue sharing as an incentive to  
18 increase recycling in the state; and

19 (b) The effect of revenue sharing on costs to customers.

1       **Sec. 2.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read  
2 as follows:

3       The legislature finds:

4       (1) Continuing technological changes in methods of manufacture,  
5 packaging, and marketing of consumer products, together with the  
6 economic and population growth of this state, the rising affluence of  
7 its citizens, and its expanding industrial activity have created new  
8 and ever-mounting problems involving disposal of garbage, refuse, and  
9 solid waste materials resulting from domestic, agricultural, and  
10 industrial activities.

11       (2) Traditional methods of disposing of solid wastes in this state  
12 are no longer adequate to meet the ever-increasing problem. Improper  
13 methods and practices of handling and disposal of solid wastes pollute  
14 our land, air and water resources, blight our countryside, adversely  
15 affect land values, and damage the overall quality of our environment.

16       (3) Considerations of natural resource limitations, energy  
17 shortages, economics and the environment make necessary the development  
18 and implementation of solid waste recovery and/or recycling plans and  
19 programs.

20       (4) Waste reduction must become a fundamental strategy of solid  
21 waste management. It is therefore necessary to change manufacturing  
22 and purchasing practices and waste generation behaviors to reduce the  
23 amount of waste that becomes a governmental responsibility.

24       (5) Source separation of waste must become a fundamental strategy  
25 of solid waste management. Collection and handling strategies should  
26 have, as an ultimate goal, the source separation of all materials with  
27 resource value or environmental hazard.

28       (6)(a) It is the responsibility of every person to minimize his or  
29 her production of wastes and to separate recyclable or hazardous  
30 materials from mixed waste.

31       (b) It is the responsibility of state, county, and city governments  
32 to provide for a waste management infrastructure to fully implement  
33 waste reduction and source separation strategies and to process and  
34 dispose of remaining wastes in a manner that is environmentally safe  
35 and economically sound. It is further the responsibility of state,  
36 county, and city governments to monitor the cost-effectiveness and  
37 environmental safety of combusting separated waste, processing mixed  
38 waste, and recycling programs.

1 (c) It is the responsibility of county and city governments to  
2 assume primary responsibility for solid waste management and to develop  
3 and implement aggressive and effective waste reduction and source  
4 separation strategies.

5 (d) It is the responsibility of state government to ensure that  
6 local governments are providing adequate source reduction and  
7 separation opportunities and incentives to all, including persons in  
8 both rural and urban areas, and nonresidential waste generators such as  
9 commercial, industrial, and institutional entities, recognizing the  
10 need to provide flexibility to accommodate differing population  
11 densities, distances to and availability of recycling markets, and  
12 collection and disposal costs in each community; and to provide county  
13 and city governments with adequate technical resources to accomplish  
14 this responsibility.

15 (7) Environmental and economic considerations in solving the  
16 state's solid waste management problems requires strong consideration  
17 by local governments of regional solutions and intergovernmental  
18 cooperation.

19 (8) The following priorities for the collection, handling, and  
20 management of solid waste are necessary and should be followed in  
21 descending order as applicable:

22 (a) Waste reduction;

23 (b) Recycling, with source separation of recyclable materials as  
24 the preferred method;

25 (c) Energy recovery, incineration, or landfill of separated waste;

26 (d) Energy recovery, incineration, or landfilling of mixed wastes.

27 (9) It is the state's goal to achieve a fifty percent recycling  
28 rate by ((1995)) 2005.

29 (10) Steps should be taken to make recycling at least as affordable  
30 and convenient to the ratepayer as mixed waste disposal.

31 (11) It is necessary to compile and maintain adequate data on the  
32 types and quantities of solid waste that are being generated and to  
33 monitor how the various types of solid waste are being managed.

34 (12) Vehicle batteries should be recycled and the disposal of  
35 vehicle batteries into landfills or incinerators should be  
36 discontinued.

37 (13) Excessive and nonrecyclable packaging of products should be  
38 avoided.

1 (14) Comprehensive education should be conducted throughout the  
2 state so that people are informed of the need to reduce, source  
3 separate, and recycle solid waste.

4 (15) All governmental entities in the state should set an example  
5 by implementing aggressive waste reduction and recycling programs at  
6 their workplaces and by purchasing products that are made from recycled  
7 materials and are recyclable.

8 (16) To ensure the safe and efficient operations of solid waste  
9 disposal facilities, it is necessary for operators and regulators of  
10 landfills and incinerators to receive training and certification.

11 (17) It is necessary to provide adequate funding to all levels of  
12 government so that successful waste reduction and recycling programs  
13 can be implemented.

14 (18) The development of stable and expanding markets for recyclable  
15 materials is critical to the long-term success of the state's recycling  
16 goals. Market development must be encouraged on a state, regional, and  
17 national basis to maximize its effectiveness. The state shall assume  
18 primary responsibility for the development of a multifaceted market  
19 development program to carry out the purposes of this act.

20 (19) There is an imperative need to anticipate, plan for, and  
21 accomplish effective storage, control, recovery, and recycling of  
22 discarded tires and other problem wastes with the subsequent  
23 conservation of resources and energy.

24 **Sec. 3.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to read  
25 as follows:

26 Each county and city comprehensive solid waste management plan  
27 shall include the following:

28 (1) A detailed inventory and description of all existing solid  
29 waste handling facilities including an inventory of any deficiencies in  
30 meeting current solid waste handling needs.

31 (2) The estimated long-range needs for solid waste handling  
32 facilities projected twenty years into the future.

33 (3) A program for the orderly development of solid waste handling  
34 facilities in a manner consistent with the plans for the entire county  
35 which shall:

36 (a) Meet the minimum functional standards for solid waste handling  
37 adopted by the department and all laws and regulations relating to air

1 and water pollution, fire prevention, flood control, and protection of  
2 public health;

3 (b) Take into account the comprehensive land use plan of each  
4 jurisdiction;

5 (c) Contain a six year construction and capital acquisition program  
6 for solid waste handling facilities; and

7 (d) Contain a plan for financing both capital costs and operational  
8 expenditures of the proposed solid waste management system.

9 (4) A program for surveillance and control.

10 (5) A current inventory and description of solid waste collection  
11 needs and operations within each respective jurisdiction which shall  
12 include:

13 (a) Any franchise for solid waste collection granted by the  
14 utilities and transportation commission in the respective jurisdictions  
15 including the name of the holder of the franchise and the address of  
16 his or her place of business and the area covered by the franchise;

17 (b) Any city solid waste operation within the county and the  
18 boundaries of such operation;

19 (c) The population density of each area serviced by a city  
20 operation or by a franchised operation within the respective  
21 jurisdictions;

22 (d) The projected solid waste collection needs for the respective  
23 jurisdictions for the next six years.

24 (6) A comprehensive waste reduction and recycling element that, in  
25 accordance with the priorities established in RCW 70.95.010, provides  
26 programs that (a) reduce the amount of waste generated, (b) provide  
27 incentives and mechanisms for source separation, and (c) establish  
28 recycling opportunities for the source separated waste.

29 (7) The waste reduction and recycling element shall include the  
30 following:

31 (a) Waste reduction strategies;

32 (b) Source separation strategies, including:

33 (i) Programs for the collection of source separated materials from  
34 residences in urban and rural areas. In urban areas, these programs  
35 shall include collection of source separated recyclable materials from  
36 single and multiple family residences, unless the department approves  
37 an alternative program, according to the criteria in the planning  
38 guidelines. Such criteria shall include: Anticipated recovery rates  
39 and levels of public participation, availability of environmentally

1 sound disposal capacity, access to markets for recyclable materials,  
2 unreasonable cost impacts on the ratepayer over the six-year planning  
3 period, utilization of environmentally sound waste reduction and  
4 recycling technologies, and other factors as appropriate. In rural  
5 areas, these programs shall include but not be limited to drop-off  
6 boxes, buy-back centers, or a combination of both, at each solid waste  
7 transfer, processing, or disposal site, or at locations convenient to  
8 the residents of the county. The drop-off boxes and buy-back centers  
9 may be owned or operated by public, nonprofit, or private persons;

10 (ii) Programs to monitor the collection of source separated waste  
11 at nonresidential sites where there is sufficient density to sustain a  
12 program;

13 (iii) Programs to collect yard waste, if the county or city  
14 submitting the plan finds that there are adequate markets or capacity  
15 for composted yard waste within or near the service area to consume the  
16 majority of the material collected; and

17 (iv) Programs to educate and promote the concepts of waste  
18 reduction and recycling;

19 (c) Recycling strategies, including a description of markets for  
20 recyclables, a review of waste generation trends, a description of  
21 waste composition, a discussion and description of existing programs  
22 and any additional programs needed to assist public and private sector  
23 recycling, and an implementation schedule for the designation of  
24 specific materials to be collected for recycling, and for the provision  
25 of recycling collection services;

26 (d) Establishment of residential collection rate structures that  
27 provide economic incentives for customers to reduce their level of  
28 solid waste collection service and encourage participation in waste  
29 reduction, recycling, and yard waste collection programs. All  
30 jurisdictions that are signatories to comprehensive solid waste  
31 management plans shall adopt ordinances to implement rate structures  
32 that are consistent with the guidelines in the comprehensive plans; and

33 (e) Other information the county or city submitting the plan  
34 determines is necessary.

35 (8) An assessment of the plan's impact on the costs of solid waste  
36 collection. The assessment shall be prepared in conformance with  
37 guidelines established by the utilities and transportation commission.  
38 The commission shall cooperate with the Washington state association of



1 counties and the association of Washington cities in establishing such  
2 guidelines.

3 (9) A review of potential areas that meet the criteria as outlined  
4 in RCW 70.95.165.

5 **Sec. 4.** RCW 70.95.290 and 1988 c 184 s 3 are each amended to read  
6 as follows:

7 (1) The evaluation of the solid waste stream required in RCW  
8 70.95.280 shall include the following elements:

9 (a) The department shall determine which management method for each  
10 category of solid waste will have the least environmental impact; and

11 (b) The department shall evaluate the costs of various management  
12 options for each category of solid waste, including a review of market  
13 availability, and shall take into consideration the economic impact on  
14 affected parties;

15 (c) Based on the results of (a) and (b) of this subsection, the  
16 department shall determine the best management for each category of  
17 solid waste. Different management methods for the same categories of  
18 waste may be developed for different parts of the state.

19 (2) The department shall give priority to evaluating categories of  
20 solid waste that, in relation to other categories of solid waste,  
21 comprise a large volume of the solid waste stream or present a high  
22 potential of harm to human health. At a minimum the following  
23 categories of waste shall be evaluated:

24 (a) By January 1, 1989, yard waste and other biodegradable  
25 materials, paper products, disposable diapers, and batteries; ((and))

26 (b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid  
27 lightweight cellular polystyrene, and tires; and

28 (c) By January 1, 2002, construction, demolition, and land-clearing  
29 debris, biosolids, manure, and major food-processing wastes.

--- END ---

---

**SUBSTITUTE HOUSE BILL 2939**

---

**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** House Committee on Agriculture & Ecology (originally sponsored by Representatives Linville and G. Chandler)

Read first time 02/04/2000. Referred to Committee on .

1 AN ACT Relating to recycling and waste reduction; amending RCW  
2 70.95.010, 70.95.090, 70.95.290, 43.19.1905, and 43.19A.020; and adding  
3 a new section to chapter 81.77 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 81.77 RCW  
6 to read as follows:

7 (1) The commission shall allow solid waste collection companies  
8 collecting recyclable materials to retain thirty percent of the revenue  
9 paid to the companies for the material if the companies submit a plan  
10 to the commission that is consistent with the local government solid  
11 waste plan in the jurisdiction served by the company and that  
12 demonstrates how recycling will be increased. The remaining seventy  
13 percent of the revenue shall be passed to residential customers served  
14 by the collection company.

15 (2) By December 1, 2003, the commission shall provide a report to  
16 the legislature that evaluates:

17 (a) The effectiveness of revenue sharing as an incentive to  
18 increase recycling in the state; and

19 (b) The effect of revenue sharing on costs to customers.

1       **Sec. 2.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read  
2 as follows:

3       The legislature finds:

4       (1) Continuing technological changes in methods of manufacture,  
5 packaging, and marketing of consumer products, together with the  
6 economic and population growth of this state, the rising affluence of  
7 its citizens, and its expanding industrial activity have created new  
8 and ever-mounting problems involving disposal of garbage, refuse, and  
9 solid waste materials resulting from domestic, agricultural, and  
10 industrial activities.

11       (2) Traditional methods of disposing of solid wastes in this state  
12 are no longer adequate to meet the ever-increasing problem. Improper  
13 methods and practices of handling and disposal of solid wastes pollute  
14 our land, air and water resources, blight our countryside, adversely  
15 affect land values, and damage the overall quality of our environment.

16       (3) Considerations of natural resource limitations, energy  
17 shortages, economics and the environment make necessary the development  
18 and implementation of solid waste recovery and/or recycling plans and  
19 programs.

20       (4) Waste reduction must become a fundamental strategy of solid  
21 waste management. It is therefore necessary to change manufacturing  
22 and purchasing practices and waste generation behaviors to reduce the  
23 amount of waste that becomes a governmental responsibility.

24       (5) Source separation of waste must become a fundamental strategy  
25 of solid waste management. Collection and handling strategies should  
26 have, as an ultimate goal, the source separation of all materials with  
27 resource value or environmental hazard.

28       (6)(a) It is the responsibility of every person to minimize his or  
29 her production of wastes and to separate recyclable or hazardous  
30 materials from mixed waste.

31       (b) It is the responsibility of state, county, and city governments  
32 to provide for a waste management infrastructure to fully implement  
33 waste reduction and source separation strategies and to process and  
34 dispose of remaining wastes in a manner that is environmentally safe  
35 and economically sound. It is further the responsibility of state,  
36 county, and city governments to monitor the cost-effectiveness and  
37 environmental safety of combusting separated waste, processing mixed  
38 waste, and recycling programs.

1 (c) It is the responsibility of county and city governments to  
2 assume primary responsibility for solid waste management and to develop  
3 and implement aggressive and effective waste reduction and source  
4 separation strategies.

5 (d) It is the responsibility of state government to ensure that  
6 local governments are providing adequate source reduction and  
7 separation opportunities and incentives to all, including persons in  
8 both rural and urban areas, and nonresidential waste generators such as  
9 commercial, industrial, and institutional entities, recognizing the  
10 need to provide flexibility to accommodate differing population  
11 densities, distances to and availability of recycling markets, and  
12 collection and disposal costs in each community; and to provide county  
13 and city governments with adequate technical resources to accomplish  
14 this responsibility.

15 (7) Environmental and economic considerations in solving the  
16 state's solid waste management problems requires strong consideration  
17 by local governments of regional solutions and intergovernmental  
18 cooperation.

19 (8) The following priorities for the collection, handling, and  
20 management of solid waste are necessary and should be followed in  
21 descending order as applicable:

22 (a) Waste reduction;

23 (b) Recycling, with source separation of recyclable materials as  
24 the preferred method;

25 (c) Energy recovery, incineration, or landfill of separated waste;

26 (d) Energy recovery, incineration, or landfilling of mixed wastes.

27 (9) It is the state's goal to achieve a fifty percent recycling  
28 rate by ((1995)) 2005.

29 (10) Steps should be taken to make recycling at least as affordable  
30 and convenient to the ratepayer as mixed waste disposal.

31 (11) It is necessary to compile and maintain adequate data on the  
32 types and quantities of solid waste that are being generated and to  
33 monitor how the various types of solid waste are being managed.

34 (12) Vehicle batteries should be recycled and the disposal of  
35 vehicle batteries into landfills or incinerators should be  
36 discontinued.

37 (13) Excessive and nonrecyclable packaging of products should be  
38 avoided.

1 (14) Comprehensive education should be conducted throughout the  
2 state so that people are informed of the need to reduce, source  
3 separate, and recycle solid waste.

4 (15) All governmental entities in the state should set an example  
5 by implementing aggressive waste reduction and recycling programs at  
6 their workplaces and by purchasing products that are made from recycled  
7 materials and are recyclable.

8 (16) To ensure the safe and efficient operations of solid waste  
9 disposal facilities, it is necessary for operators and regulators of  
10 landfills and incinerators to receive training and certification.

11 (17) It is necessary to provide adequate funding to all levels of  
12 government so that successful waste reduction and recycling programs  
13 can be implemented.

14 (18) The development of stable and expanding markets for recyclable  
15 materials is critical to the long-term success of the state's recycling  
16 goals. Market development must be encouraged on a state, regional, and  
17 national basis to maximize its effectiveness. The state shall assume  
18 primary responsibility for the development of a multifaceted market  
19 development program to carry out the purposes of this act.

20 (19) There is an imperative need to anticipate, plan for, and  
21 accomplish effective storage, control, recovery, and recycling of  
22 discarded tires and other problem wastes with the subsequent  
23 conservation of resources and energy.

24 **Sec. 3.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to read  
25 as follows:

26 Each county and city comprehensive solid waste management plan  
27 shall include the following:

28 (1) A detailed inventory and description of all existing solid  
29 waste handling facilities including an inventory of any deficiencies in  
30 meeting current solid waste handling needs.

31 (2) The estimated long-range needs for solid waste handling  
32 facilities projected twenty years into the future.

33 (3) A program for the orderly development of solid waste handling  
34 facilities in a manner consistent with the plans for the entire county  
35 which shall:

36 (a) Meet the minimum functional standards for solid waste handling  
37 adopted by the department and all laws and regulations relating to air

1 and water pollution, fire prevention, flood control, and protection of  
2 public health;

3 (b) Take into account the comprehensive land use plan of each  
4 jurisdiction;

5 (c) Contain a six year construction and capital acquisition program  
6 for solid waste handling facilities; and

7 (d) Contain a plan for financing both capital costs and operational  
8 expenditures of the proposed solid waste management system.

9 (4) A program for surveillance and control.

10 (5) A current inventory and description of solid waste collection  
11 needs and operations within each respective jurisdiction which shall  
12 include:

13 (a) Any franchise for solid waste collection granted by the  
14 utilities and transportation commission in the respective jurisdictions  
15 including the name of the holder of the franchise and the address of  
16 his or her place of business and the area covered by the franchise;

17 (b) Any city solid waste operation within the county and the  
18 boundaries of such operation;

19 (c) The population density of each area serviced by a city  
20 operation or by a franchised operation within the respective  
21 jurisdictions;

22 (d) The projected solid waste collection needs for the respective  
23 jurisdictions for the next six years.

24 (6) A comprehensive waste reduction and recycling element that, in  
25 accordance with the priorities established in RCW 70.95.010, provides  
26 programs that (a) reduce the amount of waste generated, (b) provide  
27 incentives and mechanisms for source separation, and (c) establish  
28 recycling opportunities for the source separated waste.

29 (7) The waste reduction and recycling element shall include the  
30 following:

31 (a) Waste reduction strategies;

32 (b) Source separation strategies, including:

33 (i) Programs for the collection of source separated materials from  
34 residences in urban and rural areas. In urban areas, these programs  
35 shall include collection of source separated recyclable materials from  
36 single and multiple family residences, unless the department approves  
37 an alternative program, according to the criteria in the planning  
38 guidelines. Such criteria shall include: Anticipated recovery rates  
39 and levels of public participation, availability of environmentally

1 sound disposal capacity, access to markets for recyclable materials,  
2 unreasonable cost impacts on the ratepayer over the six-year planning  
3 period, utilization of environmentally sound waste reduction and  
4 recycling technologies, and other factors as appropriate. In rural  
5 areas, these programs shall include but not be limited to drop-off  
6 boxes, buy-back centers, or a combination of both, at each solid waste  
7 transfer, processing, or disposal site, or at locations convenient to  
8 the residents of the county. The drop-off boxes and buy-back centers  
9 may be owned or operated by public, nonprofit, or private persons;

10 (ii) Programs to monitor the collection of source separated waste  
11 at nonresidential sites where there is sufficient density to sustain a  
12 program;

13 (iii) Programs to collect yard waste, if the county or city  
14 submitting the plan finds that there are adequate markets or capacity  
15 for composted yard waste within or near the service area to consume the  
16 majority of the material collected; and

17 (iv) Programs to educate and promote the concepts of waste  
18 reduction and recycling;

19 (c) Recycling strategies, including a description of markets for  
20 recyclables, a review of waste generation trends, a description of  
21 waste composition, a discussion and description of existing programs  
22 and any additional programs needed to assist public and private sector  
23 recycling, and an implementation schedule for the designation of  
24 specific materials to be collected for recycling, and for the provision  
25 of recycling collection services;

26 (d) Consideration of residential collection rate structures that  
27 provide economic incentives for customers to reduce their level of  
28 solid waste collection service and encourage participation in waste  
29 reduction, recycling, and yard waste collection programs. If such rate  
30 structures are adopted by a jurisdiction, that jurisdiction shall adopt  
31 ordinances to implement rate structures that are consistent with the  
32 guidelines in the comprehensive plans; and

33 (e) Other information the county or city submitting the plan  
34 determines is necessary.

35 (8) An assessment of the plan's impact on the costs of solid waste  
36 collection. The assessment shall be prepared in conformance with  
37 guidelines established by the utilities and transportation commission.  
38 The commission shall cooperate with the Washington state association of

1 counties and the association of Washington cities in establishing such  
2 guidelines.

3 (9) A review of potential areas that meet the criteria as outlined  
4 in RCW 70.95.165.

5 **Sec. 4.** RCW 70.95.290 and 1988 c 184 s 3 are each amended to read  
6 as follows:

7 (1) The evaluation of the solid waste stream required in RCW  
8 70.95.280 shall include the following elements:

9 (a) The department shall determine which management method for each  
10 category of solid waste will have the least environmental impact; and

11 (b) The department shall evaluate the costs of various management  
12 options for each category of solid waste, including a review of market  
13 availability, and shall take into consideration the economic impact on  
14 affected parties;

15 (c) Based on the results of (a) and (b) of this subsection, the  
16 department shall determine the best management for each category of  
17 solid waste. Different management methods for the same categories of  
18 waste may be developed for different parts of the state.

19 (2) The department shall give priority to evaluating categories of  
20 solid waste that, in relation to other categories of solid waste,  
21 comprise a large volume of the solid waste stream or present a high  
22 potential of harm to human health. At a minimum the following  
23 categories of waste shall be evaluated:

24 (a) By January 1, 1989, yard waste and other biodegradable  
25 materials, paper products, disposable diapers, and batteries; ~~((and))~~

26 (b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid  
27 lightweight cellular polystyrene, and tires; and

28 (c) By January 1, 2002, construction, demolition, and land-clearing  
29 debris, manure, and major food-processing wastes.

30 **Sec. 5.** RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to  
31 read as follows:

32 The director of general administration shall establish overall  
33 state policy for compliance by all state agencies, including  
34 educational institutions, regarding the following purchasing and  
35 material control functions:

36 (1) Development of a state commodity coding system, including  
37 common stock numbers for items maintained in stores for reissue;



1 (2) Determination where consolidations, closures, or additions of  
2 stores operated by state agencies and educational institutions should  
3 be initiated;

4 (3) Institution of standard criteria for determination of when and  
5 where an item in the state supply system should be stocked;

6 (4) Establishment of stock levels to be maintained in state stores,  
7 and formulation of standards for replenishment of stock;

8 (5) Formulation of an overall distribution and redistribution  
9 system for stock items which establishes sources of supply support for  
10 all agencies, including interagency supply support;

11 (6) Determination of what function data processing equipment,  
12 including remote terminals, shall perform in state-wide purchasing and  
13 material control for improvement of service and promotion of economy;

14 (7) Standardization of records and forms used state-wide for supply  
15 system activities involving purchasing, receiving, inspecting, storing,  
16 requisitioning, and issuing functions, including a standard  
17 notification form for state agencies to report cost-effective direct  
18 purchases, which shall at least identify the price of the goods as  
19 available through the division of purchasing, the price of the goods as  
20 available from the alternative source, the total savings, and the  
21 signature of the notifying agency's director or the director's  
22 designee;

23 (8) Screening of supplies, material, and equipment excess to the  
24 requirements of one agency for overall state need before sale as  
25 surplus;

26 (9) Establishment of warehouse operation and storage standards to  
27 achieve uniform, effective, and economical stores operations;

28 (10) Establishment of time limit standards for the issuing of  
29 material in store and for processing requisitions requiring purchase;

30 (11) Formulation of criteria for determining when centralized  
31 rather than decentralized purchasing shall be used to obtain maximum  
32 benefit of volume buying of identical or similar items, including  
33 procurement from federal supply sources;

34 (12) Development of criteria for use of leased, rather than state  
35 owned, warehouse space based on relative cost and accessibility;

36 (13) Institution of standard criteria for purchase and placement of  
37 state furnished materials, carpeting, furniture, fixtures, and nonfixed  
38 equipment, in newly constructed or renovated state buildings;

1 (14) Determination of how transportation costs incurred by the  
2 state for materials, supplies, services, and equipment can be reduced  
3 by improved freight and traffic coordination and control;

4 (15) Establishment of a formal certification program for state  
5 employees who are authorized to perform purchasing functions as agents  
6 for the state under the provisions of chapter 43.19 RCW;

7 (16) Development of performance measures for the reduction of total  
8 overall expense for material, supplies, equipment, and services used  
9 each biennium by the state;

10 (17) Establishment of a standard system for all state organizations  
11 to record and report dollar savings and cost avoidance which are  
12 attributable to the establishment and implementation of improved  
13 purchasing and material control procedures;

14 (18) Development of procedures for mutual and voluntary cooperation  
15 between state agencies, including educational institutions, and  
16 political subdivisions for exchange of purchasing and material control  
17 services;

18 (19) Resolution of all other purchasing and material matters which  
19 require the establishment of overall state-wide policy for effective  
20 and economical supply management;

21 (20) Development of guidelines and criteria for the purchase of  
22 vehicles, alternate vehicle fuels and systems, equipment, and materials  
23 that reduce overall energy-related costs and energy use by the state,  
24 including the requirement that new passenger vehicles purchased by the  
25 state meet the minimum standards for passenger automobile fuel economy  
26 established by the United States secretary of transportation pursuant  
27 to the energy policy and conservation act (15 U.S.C. Sec. 2002);

28 (21) Development of goals for state use of recycled and  
29 environmentally preferable products through specifications for products  
30 and services, processes for requests for proposals and requests for  
31 qualifications, contractor selection, and contract negotiations.

32 **Sec. 6.** RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read  
33 as follows:

34 (1) The USEPA product standards, as now or hereafter amended, are  
35 adopted as the minimum standards for the state of Washington. These  
36 standards shall be implemented for at least the products listed in (a)  
37 and (b) of this subsection by the dates indicated, unless the director

1 finds that a different standard would significantly increase recycled  
2 product availability or competition.

3 (a) By July 1, 1997:

4 (i) Paper and paper products;

5 (ii) Organic recovered materials; and

6 (iii) Latex paint products;

7 (b) By July 1, 1997:

8 (i) Products for lower value uses containing recycled plastics;

9 (ii) Retread and remanufactured tires;

10 (iii) Lubricating oils;

11 (iv) Automotive batteries;

12 (v) Building insulation;

13 (vi) Panelboard; and

14 (vii) Compost products.

15 (2) By July 1, 2001, the director shall adopt product standards for  
16 strawboard manufactured using as an ingredient straw that is produced  
17 as a by-product in the production of cereal grains or turf or grass  
18 seed.

19 (3) The standards required by this section shall be applied to  
20 recycled product purchasing by the department and other state agencies.  
21 The standards may be adopted or applied by any other local government  
22 in product procurement. The standards shall provide for exceptions  
23 under appropriate circumstances to allow purchases of recycled products  
24 that do not meet the minimum content requirements of the standards.

--- END ---

# HOUSE BILL REPORT

## HB 2939

---

---

**As Reported By House Committee On:**  
Agriculture & Ecology

**Title:** An act relating to recycling and waste reduction.

**Brief Description:** Providing guidelines for recycling and waste reduction.

**Sponsors:** Representatives Linville and G. Chandler.

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 2/3/00, 2/4/00 [DPS].

**Brief Summary of Substitute Bill**

- Provides incentives for increased recycling.

---

### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

**Staff:** Carole Richmond (786-7114).

**Background:**

The Legislature adopted the Waste Not Washington Act in 1989 (ESHB 1671). The top priorities in the act were established as waste reduction and recycling of source-separated materials. The law also set a goal of recycling 50 percent of the municipal solid waste stream by 1995. The recycling rate reached a high of 39 percent in 1996, but dropped down to 32.4 percent the following year.

The Recycling Assessment Panel was convened by the Department of Ecology in September 1999 to assess the reasons for the drop in recycling, and to examine and

recommend ways to increase recycling. The panel included members of the Legislature, citizens, and representatives of local government, recyclers, and the Department of Ecology. The panel provided a set of recommendations in December 1999.

One of the recommendations involves allowing solid waste collection companies to retain a percentage of the revenue they receive from the sale of recyclable materials to encourage growth in that market. At present, companies are required by the Utilities and Transportation Commission to return all of the revenue back to their customers.

---

**Summary of Substitute Bill:**

The Utilities and Transportation Commission is directed to allow solid waste collection companies to retain 30 percent of the revenue they receive from the sale of recyclable materials, if the companies have submitted a plan to the commission that demonstrates how recycling will be increased. The remaining 70 percent is to be passed on to residential customers.

By December, 2003 the commission is directed to provide a report to the Legislature that evaluates: (1) the effectiveness of revenue sharing to increase recycling in the state; and (2) the effect of revenue sharing on costs to customers.

The deadline for achieving the state's goal of a 50 percent recycling rate is changed from 1995 to 2005.

In addition to the elements that city and county solid waste management plans must already include, the plans must also consider residential rate structures that provide economic incentives for customers to reduce their level of solid waste collection and increase recycling.

Starting in 2002, the Department of Ecology is required to evaluate the amount of construction, demolition, and land clearing waste, manure, and major food processing waste that are included in the solid waste stream.

The Department of General Administration is required to develop goals for state use of recycled and environmentally preferred products.

By July 1, 2001, the Department of General Administration must adopt product standards for strawboard.

**Substitute Bill Compared to Original Bill:** Solid waste collection companies may retain 30 percent of the revenues paid to the companies for recycled materials, instead

of "up to" 30 percent. Solid waste collection companies are not required to demonstrate how revenues will be used to increase recycling, but simply to demonstrate how recycling will increase.

The development of residential collection rate structures that provide economic incentives for customers to increase recycling is changed from a requirement to establish the rates in solid waste management plans to a requirement to consider the rate structures.

Biosolids are not among the solid waste stream components that the Department of Ecology must evaluate.

The Department of General Administration is required to develop goals for state use of recycled and environmentally-preferred products.

The department is also required to develop standards for strawboard.

---

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill is a good first step in advancing recommendations. It's important to establish market-based incentives; both residential rate structures that increase recycling and incentives for solid waste collection companies are important. The choice of rate structure should be voluntary. It's important to maintain the connection between retention of revenues and plan requirement. Each customer will pay an additional \$5.00 a year under the new policy of revenue retention. Rate incentives for customers should be codified in solid waste management plans.

**Testimony Against:** None.

**Testified:** Janet Nazy, Washington State Recycling Association; Don Kneas, NAPCOR; Bill Reed, King County Solid Waste; Lois Young, Skagit River Steel and Recycling; James Sells, Washington Refuse and Recycling Association; Cullen Stephenson, Department of Ecology; Jeff Kelley-Clarke, State SWAC; Eugene Eckhardt, WUTC; Jenny Bagby, Seattle Public Utility; and Ren Rosenblum, Association of Washington Businesses.

# SENATE JOURNAL

— 2000 —

REGULAR SESSION

FIFTY-SIXTH LEGISLATURE

**STATE OF WASHINGTON**

AT

**OLYMPIA, the State Capitol**

2000 Regular Session Convened January 10, 2000  
Adjourned Sine Die March 9, 2000

2000 First Special Session Convened March 10, 2000  
Adjourned Sine Die April 7, 2000

2000 Second Special Session Convened April 24, 2000  
Adjourned Sine Die April 27, 2000

Compiled, Edited and Indexed by  
Tony M. Cook, *Secretary of the Senate*



MARY WILEY  
*Minute and Journal Clerk*

LIEUTENANT GOVERNOR BRAD OWEN, *President of the Senate*  
SENATOR R. LORRAINE WOJAHN, *President Pro Tempore*  
SENATOR ALBERT BAUER, *Vice President Pro Tempore*

STATE PRINTING PLANT



OLYMPIA, WASHINGTON



On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 70.95.215; and creating a new section."

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2670, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2670, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2670, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 2670, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2939, by House Committee on Agriculture and ecology (originally sponsored by Representatives Linville and G. Chandler)

Providing guidelines for recycling and waste reduction.

The bill was read the second time.

#### MOTION

Senator Fraser moved that the following Committee on Environmental Quality and Water Resources striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of general administration shall work with commercial and industrial construction industry organizations to develop guidelines for implementing on-site construction waste management planning. The topics addressed in the guidelines shall include, but shall not be limited to:

- (a) Standards for identifying the type of wastes generated during construction;
- (b) Methods for analyzing the availability and cost-effectiveness of recycling services for each type of waste;
- (c) Methods for evaluating construction waste management alternatives given limited recycling services in rural areas of the state;
- (d) Strategies to maximize reuse and recycling of wastes and minimize landfill disposal;
- (e) Standardized formats for on-site construction waste management planning and reporting documents; and
- (f) A training and technical assistance plan for public and private building owners and construction industry members, in order to facilitate incorporation of waste management planning and recycling into standard construction industry practice.

(2) By December 15, 2000, the department of general administration shall provide a report to the legislature on the development of the guidelines required by subsection (1) of this section. The report shall include recommendations for incorporating job-site waste management planning and recycling into standard construction industry practice.

Sec. 2. RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to read as follows:

The director of general administration shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

- (1) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;
- (2) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;
- (3) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;
- (4) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;
- (5) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;
- (6) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy;
- (7) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions, including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;
- (8) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;
- (9) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;
- (10) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;
- (11) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;
- (12) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;
- (13) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;
- (14) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;
- (15) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;



(16) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

(17) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;

(18) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

(19) Resolution of all other purchasing and material matters which require the establishment of overall state-wide policy for effective and economical supply management;

(20) Development of guidelines and criteria for the purchase of vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002);

(21) Development of goals for state use of recycled and environmentally preferable products through specifications for products and services, processes for requests for proposals and requests for qualifications, contractor selection, and contract negotiations.

Sec. 3. RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read as follows:

(1) The ~~((EPA))~~ federal product standards, ~~((as now or hereafter amended))~~ adopted under 42 U.S.C. Sec. 6962(e) as it exists on the effective date of this act are adopted as the minimum standards for the state of Washington. These standards shall be implemented for at least the products listed in ~~((a) and (b) of)~~ this subsection ~~((by the dates indicated))~~, unless the director finds that a different standard would significantly increase recycled product availability or competition.

~~((a))~~ ~~((By July 1, 1997:~~

~~((i))~~ Paper and paper products;

~~((ii))~~ (b) Organic recovered materials; ~~((and~~

~~((iii))~~ (c) Latex paint products;

~~((b))~~ ~~((By July 1, 1997:~~

~~((i))~~ (d) Products for lower value uses containing recycled plastics;

~~((ii))~~ (e) Retread and remanufactured tires;

~~((iii))~~ (f) Lubricating oils;

~~((iv))~~ (g) Automotive batteries;

~~((v))~~ (h) Building ~~((insulation))~~ products and materials;

~~((vi))~~ (i) Panelboard; and

~~((vii))~~ (j) Compost products.

(2) By July 1, 2001, the director shall adopt product standards for strawboard manufactured using as an ingredient straw that is produced as a by-product in the production of cereal grain or turf or grass seed.

(3) The standards required by this section shall be applied to recycled product purchasing by the department ~~((and))~~, other state agencies, and state postsecondary education institutions. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.

NEW SECTION. Sec. 4. The legislature encourages city, county, and state governments, the private sector, and consumers to collaborate in sharing information and becoming informed about opportunities for increasing voluntary product stewardship to support the state's recycling goals. For purposes of this section, "product stewardship" means a principle that directs all actors in the life cycle of a product to minimize impacts of that product on the environment.

Sec. 5. RCW 39.04.133 and 1996 c 198 s 5 are each amended to read as follows:

(1) The state's preferences for the purchase and use of recycled content products shall be included as a factor in the design and development of state capital improvement projects.

(2) (Specifications for materials in state construction projects shall include the use of recycled content products and recyclable products whenever practicable.) If a construction project receives state public funding, the product standards, as provided in RCW 43.19A.020, shall apply to the materials used in the project, whenever the administering agency and project owner determine that such products would be cost-effective and are readily available.

(3) This section does not apply to contracts entered into by a municipality.

NEW SECTION. Sec. 6. A new section is added to chapter 81.77 RCW to read as follows:

(1) As an incentive to increase recycling and reduce landfill disposal, the commission shall allow a solid waste collection company collecting recyclable materials from residential customers to retain a portion of the revenue derived from the sale of increased recyclable materials tonnage. In order to qualify to participate in a recycling revenue sharing program each hauler must submit to the commission a plan certified by the appropriate local government authority as being consistent with the local government solid waste management plan and specifying the 1999 per capita recycling base as determined by the local government. Provided, that customers shall receive one hundred percent of the revenue derived from the sale of recyclable materials, up to the established per capita base. Customers shall receive eighty percent of the revenue derived from the sale of recyclable materials exceeding the established per capita base.

(2) By December 2, 2004, the commission shall provide a report to the legislature that evaluates:

(a) The effectiveness of revenue sharing as an incentive to increase recycling in the state; and

(b) The effect of revenue sharing on costs to customers.

(3) This section expires December 31, 2005.

Sec. 7. RCW 70.95.010 and 1989 c 431 s 1 are each amended to read as follows:

The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) Waste reduction must become a fundamental strategy of solid waste management. It is therefore necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility.

(5) Source separation of waste must become a fundamental strategy of solid waste management. Collection and handling strategies should have, as an ultimate goal, the source separation of all materials with resource value or environmental hazard.

(6)(a) It is the responsibility of every person to minimize his or her production of wastes and to separate recyclable or hazardous materials from mixed waste.

(b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically sound. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing mixed waste, and recycling programs.

(c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.

(d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and incentives to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities, recognizing the need to provide flexibility to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community; and to provide county and city governments with adequate technical resources to accomplish this responsibility.

(7) regional  
(8)  
(a)  
(b)  
(c)  
(d)  
(9)  
(1)  
(1)  
(  
various  
(  
(  
(  
solid w  
(  
(  
and by  
(  
(  
to rece  
(  
(  
develop  
of a m  
(  
proble  
S  
A  
(  
(  
(  
requi  
(  
(  
(  
for re  
(  
(  
encl  
(  
perr  
(  
or au  
mat  
loca  
(  
for  
agri  
of t  
wa  
inc  
to  
an  
po  
do  
su  
hr  
h

(7) Environmental and economic considerations in solving the state's solid waste management problems requires strong consideration by local governments of regional solutions and intergovernmental cooperation.

(8) The following priorities for the collection, handling, and management of solid waste are necessary and should be followed in descending order as applicable:

- (a) Waste reduction;
- (b) Recycling, with source separation of recyclable materials as the preferred method;
- (c) Energy recovery, incineration, or landfill of separated waste;
- (d) Energy recovery, incineration, or landfilling of mixed wastes.

(9) It is the state's goal to achieve a fifty percent recycling rate by ~~((1995))~~ 2005.

~~(10) It is the state's goal that programs be established to eliminate disposal of residential or commercial yard debris in landfills by 2010.~~

~~(11) Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal.~~

~~((11))~~ (12) It is necessary to compile and maintain adequate data on the types and quantities of solid waste that are being generated and to monitor how the various types of solid waste are being managed.

~~((12))~~ (13) Vehicle batteries should be recycled and the disposal of vehicle batteries into landfills or incinerators should be discontinued.

~~((13))~~ (14) Excessive and nonrecyclable packaging of products should be avoided.

~~((14))~~ (15) Comprehensive education should be conducted throughout the state so that people are informed of the need to reduce, source separate, and recycle solid waste.

~~((15))~~ (16) All governmental entities in the state should set an example by implementing aggressive waste reduction and recycling programs at their workplaces and by purchasing products that are made from recycled materials and are recyclable.

~~((16))~~ (17) To ensure the safe and efficient operations of solid waste disposal facilities, it is necessary for operators and regulators of landfills and incinerators to receive training and certification.

~~((17))~~ (18) It is necessary to provide adequate funding to all levels of government so that successful waste reduction and recycling programs can be implemented.

~~((18))~~ (19) The development of stable and expanding markets for recyclable materials is critical to the long-term success of the state's recycling goals. Market development must be encouraged on a state, regional, and national basis to maximize its effectiveness. The state shall assume primary responsibility for the development of a multifaceted market development program to carry out the purposes of this act.

~~((19))~~ (20) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded tires and other problem wastes with the subsequent conservation of resources and energy.

Sec. 8. RCW 70.95.030 and 1998 c 36 s 17 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

- (1) "City" means every incorporated city and town.
  - (2) "Commission" means the utilities and transportation commission.
  - (3) "Committee" means the state solid waste advisory committee.
  - (4) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.
  - (5) "Department" means the department of ecology.
  - (6) "Director" means the director of the department of ecology.
  - (7) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.
  - (8) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.
  - (9) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.
  - (10) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.
  - (11) "Jurisdictional health department" means city, county, city-county, or district public health department.
  - (12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.
  - (13) "Local government" means a city, town, or county.
  - (14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.
  - (15) "Multiple family residence" means any structure housing two or more dwelling units.
  - (16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
  - (17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.
  - (18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.
  - (19) "Residence" means the regular dwelling place of an individual or individuals.
  - (20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.
  - (21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.
  - (22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.
  - (23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.
  - (24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.
  - (25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.
  - (26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in RCW 70.95.030, but does not include biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.
  - (27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.
  - (28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.
- Sec. 9. RCW 70.95.090 and 1991 c 298 s 3 are each amended to read as follows:  
 Each county and city comprehensive solid waste management plan shall include the following:
- (1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.
  - (2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.
  - (3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:



(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his or her place of business and the area covered by the franchise;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A comprehensive waste reduction and recycling element that, in accordance with the priorities established in RCW 70.95.010, provides programs that (a) reduce the amount of waste generated, (b) provide incentives and mechanisms for source separation, and (c) establish recycling opportunities for the source separated waste,

(7) The waste reduction and recycling element shall include the following:

(a) Waste reduction strategies;

(b) Source separation strategies, including:

(i) Programs for the collection of source separated materials from residences in urban and rural areas. In urban areas, these programs shall include collection of source separated recyclable materials from single and multiple family residences, unless the department approves an alternative program, according to the criteria in the planning guidelines. Such criteria shall include: Anticipated recovery rates and levels of public participation, availability of environmentally sound disposal capacity, access to markets for recyclable materials, unreasonable cost impacts on the ratepayer over the six-year planning period, utilization of environmentally sound waste reduction and recycling technologies, and other factors as appropriate. In rural areas, these programs shall include but not be limited to drop-off boxes, buy-back centers, or a combination of both, at each solid waste transfer, processing, or disposal site, or at locations convenient to the residents of the county. The drop-off boxes and buy-back centers may be owned or operated by public, nonprofit, or private persons;

(ii) Programs to monitor the collection of source separated waste at nonresidential sites where there is sufficient density to sustain a program;

(iii) Programs to ~~(collect)~~ manage yard ~~(waste, if the county or city submitting the plan finds that there are)~~ debris, including strategies to:

(A) Develop collection programs or alternative means for managing yard debris;

(B) Eliminate disposal of yard debris in landfills; and

(C) Encourage adequate markets or capacity for composted yard ~~(waste)~~ debris within or near the service area to consume ~~(the majority of)~~ the material collected; and

(iv) Programs to educate and promote the concepts of waste reduction and recycling;

(c) Recycling strategies, including a description of markets for recyclables, a review of waste generation trends, a description of waste composition, a discussion and description of existing programs and any additional programs needed to assist public and private sector recycling, and an implementation schedule for the designation of specific materials to be collected for recycling, and for the provision of recycling collection services; and

(d) Other information the county or city submitting the plan determines is necessary.

(8) County and city comprehensive solid waste management plans may provide for the establishment of residential collection rate structures that provide economic incentives for customers to reduce their level of solid waste collection service and encourage participation in waste reduction, recycling, and yard debris collection programs. Any jurisdictions that are signatories to comprehensive solid waste management plans that adopt residential incentive rates shall adopt ordinances to implement rate structures that are consistent with the guidelines in the comprehensive plans. The utilities and transportation commission is authorized to issue rules to implement this section for solid waste collection companies regulated under Title 81 RCW.

(9) An assessment of the plan's impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the utilities and transportation commission. The commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.

~~((9))~~ (10) A review of potential areas that meet the criteria as outlined in RCW 70.95.165.

Sec. 10. RCW 70.95.280 and 1989 c 431 s 13 are each amended to read as follows:

The department of ecology shall determine the best management practices for categories of solid waste in accordance with the priority solid waste management methods established in RCW 70.95.010. In order to make this determination, the department shall conduct a comprehensive solid waste stream analysis and evaluation. Following establishment of baseline data resulting from an initial in-depth analysis of the waste stream, the department shall develop a less intensive method of monitoring the disposed waste stream including, but not limited to, changes in the amount of waste generated and waste type. The department shall monitor curbside collection programs and other waste segregation and disposal technologies to determine, to the extent possible, the effectiveness of these programs in terms of cost and participation, their applicability to other locations, and their implications regarding rules adopted under this chapter. Persons who collect solid waste shall annually report to the department the types and quantities of solid waste that are collected and where it is delivered. The department shall adopt guidelines for reporting and for ~~(keeping proprietary information confidential)~~ maintaining the confidentiality of proprietary information included in the report. By March 1st of each year, entities that collect recycled material shall report their activity from the previous calendar year on a form provided by the department. The department may impose a penalty of one hundred dollars on any entity that fails to submit the required report to the department. The department may impose an additional penalty of one hundred dollars for each day after March 1st that a firm fails to submit the required report. The total penalties for failure to report shall not exceed one thousand dollars. By May 1st of each year, the department may arrange for the publication in recycling and solid waste industry trade publications the names of those entities failing to file the required report. The department shall structure penalties and other sanctions so as to encourage compliance with the annual reporting requirement.

Sec. 11. RCW 70.95.290 and 1988 c 184 s 3 are each amended to read as follows:

(1) The evaluation of the solid waste stream required in RCW 70.95.280 shall include the following elements:

(a) The department shall determine which management method for each category of solid waste will have the least environmental impact; and

(b) The department shall evaluate the costs of various management options for each category of solid waste, including a review of market availability, and shall take into consideration the economic impact on affected parties;

(c) Based on the results of (a) and (b) of this subsection, the department shall determine the best management for each category of solid waste. Different management methods for the same categories of waste may be developed for different parts of the state.

(2) The department shall give priority to evaluating categories of solid waste that, in relation to other categories of solid waste, comprise a large volume of the solid waste stream or present a high potential of harm to human health. At a minimum the following categories of waste shall be evaluated:

(a) By January 1, 1989, yard ~~(waste)~~ debris and other biodegradable materials, paper products, disposable diapers, and batteries; ~~(and)~~

(b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid lightweight cellular polystyrene, and tires; and

(c) By January 1, 2004, construction, demolition, and land-clearing debris, manure, and major food-processing wastes.

(3) The department is prohibited from adopting rules that mandate best management practices for the categories of solid waste identified in subsection (2) of this section.

Sec. 12. RCW 70.95.810 and 1998 c 245 s 132 are each amended to read as follows:

(1) In order to establish the feasibility of composting food and yard ~~(wastes)~~ debris, the department shall provide funds, as available, to local governments submitting a proposal to compost such wastes.

(2) The department, in cooperation with the department of community, trade, and economic development, may approve an application if the project can demonstrate the essential parameters for successful composting, including, but not limited to, cost-effectiveness, handling and safety requirements, and current and potential markets.

Se  
Water  
Or  
Dr  
TI  
5, line  
TI  
TI  
strikir  
TI  
  
O  
O  
70.95.0  
an expi  
O  
readir  
TI  
amen  
  
TI  
Senat  
Ve  
Hochst  
Rossi,  
Ex  
S  
There  
  
E  
Repr  
  
P  
secd.  
  
I  
  
C  
the s  
I  
J  
No.  
  
the f  
V  
Hoch  
T., S  
V  
E.  
bein  
  
Ben

MOTION

Senator Eide moved that the following amendment by Senators Eide, Fraser and Morton to the Committee on Environmental Quality and Water Resources striking amendment be adopted:

On page 5, line 30, after "receive" strike "eighty" and insert "sixty"  
 Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Eide, Fraser and Morton on page 5, line 30, to the Committee on Environmental Quality and Water Resources striking amendment to Substitute House Bill No. 2939.

The motion by Senator Eide carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Environmental Quality and Water Resources striking amendment, as amended, to Substitute House Bill No. 2939.

The motion by Senator Fraser carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "reduction;" strike the remainder of the title and insert "amending RCW 43.19.1905, 43.19A.020, 39.04.133, 70.95.010, 70.95.030, 70.95.090, 70.95.280, 70.95.290, and 70.95.810; adding a new section to chapter 81.77 RCW; creating new sections; prescribing penalties; and providing an expiration date."

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2939, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2939, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2939, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.  
 Excused: Senators Loveland and Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2939, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1987, by House Committee on Finance (originally sponsored by Representatives Schoesler, Grant and G. Chandler)

Providing tax exemptions and credits to encourage a reduction in agricultural burning of cereal grains and field and turf grass grown for seed.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Second Substitute House Bill No. 1987 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1987.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1987 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn and Zarelli - 42.

Voting nay: Senators Jacobsen, Kline, Kohl-Welles, Patterson and Thibaudeau - 5.

Excused: Senators Loveland and Sellar - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1987, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2799, by House Committee on Judiciary (originally sponsored by Representatives Lambert, Hurst, Kagi, Benson, Lovick and Pflug)

# HOUSE JOURNAL

OF THE  
FIFTY-SIXTH LEGISLATURE  
OF THE  
STATE OF WASHINGTON  
AT  
OLYMPIA, THE STATE CAPITOL

2000 Regular Session  
Convened January 10, 2000  
Adjourned Sine Die March 9, 2000  
2000 First Special Session  
Convened March 10, 2000  
Adjourned Sine Die April 7, 2000  
2000 Second Special Session  
Convened April 24, 2000  
Adjourned Sine Die April 27, 2000

VOLUME II



---

**Clyde Ballard**, Co-Speaker  
**Frank Chopp**, Co-Speaker  
**John Pennington**, Co-Speaker Pro Tempore  
**Val Ogden**, Co-Speaker Pro Tempore  
**Timothy A. Martin**, Co-Chief Clerk  
**Cynthia Zehnder**, Co-Chief Clerk

Compiled and edited by House Workroom Staff

---



NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives salute, commend, and honor Ed McLeary for his induction into the National Fish Culture Hall of Fame and for his lifetime contributions to the aquaculture industry in Washington state, and for his entrepreneurial spirit that has led to the McLeary family reputation as the world-renowned producers and breeding specialists of rainbow trout and salmon; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Ed McLeary and the entire McLeary family, the personnel of Troutlodge, and the American fish farming industry.

Representative G. Chandler moved adoption of the resolution.

Representatives G. Chandler, McDonald, Parlette and Bush spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4782 was adopted.

### SENATE AMENDMENTS TO HOUSE BILL

March 3, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2939 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The department of general administration shall work with commercial and industrial construction industry organizations to develop guidelines for implementing on-site construction waste management planning. The topics addressed in the guidelines shall include, but shall not be limited to:

- (a) Standards for identifying the type of wastes generated during construction;
- (b) Methods for analyzing the availability and cost-effectiveness of recycling services for each type of waste;
- (c) Methods for evaluating construction waste management alternatives given limited recycling services in rural areas of the state;
- (d) Strategies to maximize reuse and recycling of wastes and minimize landfill disposal;
- (e) Standardized formats for on-site construction waste management planning and reporting documents; and
- (f) A training and technical assistance plan for public and private building owners and construction industry members, in order to facilitate incorporation of waste management planning and recycling into standard construction industry practice.

(2) By December 15, 2000, the department of general administration shall provide a report to the legislature on the development of the guidelines required by subsection (1) of this section. The report shall include recommendations for incorporating job-site waste management planning and recycling into standard construction industry practice.

**Sec. 2.** RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to read as follows:

The director of general administration shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

- (1) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

- (2) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;
- (3) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;
- (4) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;
- (5) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;
- (6) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy;
- (7) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions, including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;
- (8) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;
- (9) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;
- (10) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;
- (11) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;
- (12) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;
- (13) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;
- (14) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;
- (15) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;
- (16) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;
- (17) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;
- (18) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;
- (19) Resolution of all other purchasing and material matters which require the establishment of overall state-wide policy for effective and economical supply management;
- (20) Development of guidelines and criteria for the purchase of vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002);



(21) Development of goals for state use of recycled and environmentally preferable products through specifications for products and services, processes for requests for proposals and requests for qualifications, contractor selection, and contract negotiations.

**Sec. 3.** RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read as follows:

(1) The ~~((USEPA))~~ federal product standards, ~~((as now or hereafter amended))~~ adopted under 42 U.S.C. Sec. 6962(e) as it exists on the effective date of this act, are adopted as the minimum standards for the state of Washington. These standards shall be implemented for at least the products listed in ~~((a) and (b) of))~~ this subsection ~~((by the dates indicated))~~, unless the director finds that a different standard would significantly increase recycled product availability or competition.

~~((a))~~ ~~((By July 1, 1997:~~

~~((i))~~ Paper and paper products;

~~((ii))~~ (b) Organic recovered materials; ~~((and~~

~~((iii))~~ (c) Latex paint products;

~~((b))~~ ~~By July 1, 1997:~~

~~((i))~~ (d) Products for lower value uses containing recycled plastics;

~~((ii))~~ (e) Retread and remanufactured tires;

~~((iii))~~ (f) Lubricating oils;

~~((iv))~~ (g) Automotive batteries;

~~((v))~~ (h) Building ~~((insulation))~~ products and materials;

~~((vi))~~ (i) Panelboard; and

~~((vii))~~ (j) Compost products.

(2) By July 1, 2001, the director shall adopt product standards for strawboard manufactured using as an ingredient straw that is produced as a by-product in the production of cereal grain or turf or grass seed.

(3) The standards required by this section shall be applied to recycled product purchasing by the department ~~((and)),~~ other state agencies, and state postsecondary education institutions. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.

**NEW SECTION. Sec. 4.** The legislature encourages city, county, and state governments, the private sector, and consumers to collaborate in sharing information and becoming informed about opportunities for increasing voluntary product stewardship to support the state's recycling goals. For purposes of this section, "product stewardship" means a principle that directs all actors in the life cycle of a product to minimize impacts of that product on the environment.

**Sec. 5.** RCW 39.04.133 and 1996 c 198 s 5 are each amended to read as follows:

(1) The state's preferences for the purchase and use of recycled content products shall be included as a factor in the design and development of state capital improvement projects.

(2) ~~((Specifications for materials in state construction projects shall include the use of recycled content products and recyclable products whenever practicable.))~~ If a construction project receives state public funding, the product standards, as provided in RCW 43.19A.020, shall apply to the materials used in the project, whenever the administering agency and project owner determine that such products would be cost-effective and are readily available.

(3) This section does not apply to contracts entered into by a municipality.

**NEW SECTION. Sec. 6.** A new section is added to chapter 81.77 RCW to read as follows:

(1) As an incentive to increase recycling and reduce landfill disposal, the commission shall allow a solid waste collection company collecting recyclable materials from residential customers to retain a portion of the revenue derived from the sale of increased recyclable materials tonnage. In order to qualify to

participate in a recycling revenue sharing program each hauler must submit to the commission a plan certified by the appropriate local government authority as being consistent with the local government solid waste management plan and specifying the 1999 per capita recycling base as determined by the local government. Provided, that customers shall receive one hundred percent of the revenue derived from the sale of recyclable materials, up to the established per capita base. Customers shall receive sixty percent of the revenue derived from the sale of recyclable materials exceeding the established per capita base.

- (2) By December 2, 2004, the commission shall provide a report to the legislature that evaluates:
  - (a) The effectiveness of revenue sharing as an incentive to increase recycling in the state; and
  - (b) The effect of revenue sharing on costs to customers.
- (3) This section expires December 31, 2005.

**Sec. 7.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read as follows:

The legislature finds:

- (1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.
- (2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.
- (3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.
- (4) Waste reduction must become a fundamental strategy of solid waste management. It is therefore necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility.
- (5) Source separation of waste must become a fundamental strategy of solid waste management. Collection and handling strategies should have, as an ultimate goal, the source separation of all materials with resource value or environmental hazard.
- (6)(a) It is the responsibility of every person to minimize his or her production of wastes and to separate recyclable or hazardous materials from mixed waste.
- (b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically sound. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing mixed waste, and recycling programs.
- (c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.
- (d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and incentives to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities, recognizing the need to provide flexibility to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community; and to provide county and city governments with adequate technical resources to accomplish this responsibility.
- (7) Environmental and economic considerations in solving the state's solid waste management problems requires strong consideration by local governments of regional solutions and intergovernmental cooperation.

(8) The following priorities for the collection, handling, and management of solid waste are necessary and should be followed in descending order as applicable:

- (a) Waste reduction;
- (b) Recycling, with source separation of recyclable materials as the preferred method;
- (c) Energy recovery, incineration, or landfill of separated waste;
- (d) Energy recovery, incineration, or landfilling of mixed wastes.

(9) It is the state's goal to achieve a fifty percent recycling rate by ~~((1995))~~ 2005.

~~((10))~~ It is the state's goal that programs be established to eliminate disposal of residential or commercial yard debris in landfills by 2010.

~~((11))~~ Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal.

~~((12))~~ (12) It is necessary to compile and maintain adequate data on the types and quantities of solid waste that are being generated and to monitor how the various types of solid waste are being managed.

~~((13))~~ (13) Vehicle batteries should be recycled and the disposal of vehicle batteries into landfills or incinerators should be discontinued.

~~((14))~~ (14) Excessive and nonrecyclable packaging of products should be avoided.

~~((15))~~ (15) Comprehensive education should be conducted throughout the state so that people are informed of the need to reduce, source separate, and recycle solid waste.

~~((16))~~ (16) All governmental entities in the state should set an example by implementing aggressive waste reduction and recycling programs at their workplaces and by purchasing products that are made from recycled materials and are recyclable.

~~((17))~~ (17) To ensure the safe and efficient operations of solid waste disposal facilities, it is necessary for operators and regulators of landfills and incinerators to receive training and certification.

~~((18))~~ (18) It is necessary to provide adequate funding to all levels of government so that successful waste reduction and recycling programs can be implemented.

~~((19))~~ (19) The development of stable and expanding markets for recyclable materials is critical to the long-term success of the state's recycling goals. Market development must be encouraged on a state, regional, and national basis to maximize its effectiveness. The state shall assume primary responsibility for the development of a multifaceted market development program to carry out the purposes of this act.

~~((20))~~ (20) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded tires and other problem wastes with the subsequent conservation of resources and energy.

**Sec. 8.** RCW 70.95.030 and 1998 c 36 s 17 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

- (1) "City" means every incorporated city and town.
- (2) "Commission" means the utilities and transportation commission.
- (3) "Committee" means the state solid waste advisory committee.
- (4) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.
- (5) "Department" means the department of ecology.
- (6) "Director" means the director of the department of ecology.
- (7) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.
- (8) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.
- (9) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(10) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

(11) "Jurisdictional health department" means city, county, city-county, or district public health department.

(12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(13) "Local government" means a city, town, or county.

(14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

(15) "Multiple family residence" means any structure housing two or more dwelling units.

(16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

(18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(19) "Residence" means the regular dwelling place of an individual or individuals.

(20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.

(21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.

(22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in RCW 70.95.030, but does not include biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.



**Sec. 9.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to read as follows:

Each county and city comprehensive solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his or her place of business and the area covered by the franchise;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A comprehensive waste reduction and recycling element that, in accordance with the priorities established in RCW 70.95.010, provides programs that (a) reduce the amount of waste generated, (b) provide incentives and mechanisms for source separation, and (c) establish recycling opportunities for the source separated waste.

(7) The waste reduction and recycling element shall include the following:

(a) Waste reduction strategies;

(b) Source separation strategies, including:

(i) Programs for the collection of source separated materials from residences in urban and rural areas. In urban areas, these programs shall include collection of source separated recyclable materials from single and multiple family residences, unless the department approves an alternative program, according to the criteria in the planning guidelines. Such criteria shall include: Anticipated recovery rates and levels of public participation, availability of environmentally sound disposal capacity, access to markets for recyclable materials, unreasonable cost impacts on the ratepayer over the six-year planning period, utilization of environmentally sound waste reduction and recycling technologies, and other factors as appropriate. In rural areas, these programs shall include but not be limited to drop-off boxes, buy-back centers, or a combination of both, at each solid waste transfer, processing, or disposal site, or at locations convenient to the residents of the county. The drop-off boxes and buy-back centers may be owned or operated by public, nonprofit, or private persons;

(ii) Programs to monitor the collection of source separated waste at nonresidential sites where there is sufficient density to sustain a program;

(iii) Programs to ~~((collect))~~ manage yard ~~((waste, if the county or city submitting the plan finds that there are))~~ debris, including strategies to:

(A) Develop collection programs or alternative means for managing yard debris;

(B) Eliminate disposal of yard debris in landfills; and

(C) Encourage adequate markets or capacity for composted yard ~~((waste))~~ debris within or near the service area to consume ~~((the majority of))~~ the material collected; and

(iv) Programs to educate and promote the concepts of waste reduction and recycling;

(c) Recycling strategies, including a description of markets for recyclables, a review of waste generation trends, a description of waste composition, a discussion and description of existing programs and any additional programs needed to assist public and private sector recycling, and an implementation schedule for the designation of specific materials to be collected for recycling, and for the provision of recycling collection services; and

(d) Other information the county or city submitting the plan determines is necessary.

(8) County and city comprehensive solid waste management plans may provide for the establishment of residential collection rate structures that provide economic incentives for customers to reduce their level of solid waste collection service and encourage participation in waste reduction, recycling, and yard debris collection programs. Any jurisdictions that are signatories to comprehensive solid waste management plans that adopt residential incentive rates shall adopt ordinances to implement rate structures that are consistent with the guidelines in the comprehensive plans. The utilities and transportation commission is authorized to issue rules to implement this section for solid waste collection companies regulated under Title 81 RCW.

(9) An assessment of the plan's impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the utilities and transportation commission. The commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.

~~((9))~~ (10) A review of potential areas that meet the criteria as outlined in RCW 70.95.165.

**Sec. 10.** RCW 70.95.280 and 1989 c 431 s 13 are each amended to read as follows:

The department of ecology shall determine the best management practices for categories of solid waste in accordance with the priority solid waste management methods established in RCW 70.95.010. In order to make this determination, the department shall conduct a comprehensive solid waste stream analysis and evaluation. Following establishment of baseline data resulting from an initial in-depth analysis of the waste stream, the department shall develop a less intensive method of monitoring the disposed waste stream including, but not limited to, changes in the amount of waste generated and waste type. The department shall monitor curbside collection programs and other waste segregation and disposal technologies to determine, to the extent possible, the effectiveness of these programs in terms of cost and participation, their applicability to other locations, and their implications regarding rules adopted under this chapter. Persons who collect solid waste shall annually report to the department the types and quantities of solid waste that are collected and where it is delivered. The department shall adopt guidelines for reporting and for ~~((keeping proprietary information confidential))~~ maintaining the confidentiality of proprietary information included in the report. By March 1st of each year, entities that collect recycled material shall report their activity from the previous calendar year on a form provided by the department. The department may impose a penalty of one hundred dollars on any entity that fails to submit the required report to the department. The department may impose an additional penalty of one hundred dollars for each day after March 1st that a firm fails to submit the required report. The total penalties for failure to report shall not exceed one thousand dollars. By May 1st of each year, the department may arrange for the publication in recycling and solid waste industry trade publications the names of those entities failing to file the required report. The department shall structure penalties and other sanctions so as to encourage compliance with the annual reporting requirement.

**Sec. 11.** RCW 70.95.290 and 1988 c 184 s 3 are each amended to read as follows:

(1) The evaluation of the solid waste stream required in RCW 70.95.280 shall include the following elements:

(a) The department shall determine which management method for each category of solid waste will have the least environmental impact; and

(b) The department shall evaluate the costs of various management options for each category of solid waste, including a review of market availability, and shall take into consideration the economic impact on affected parties;

(c) Based on the results of (a) and (b) of this subsection, the department shall determine the best management for each category of solid waste. Different management methods for the same categories of waste may be developed for different parts of the state.

(2) The department shall give priority to evaluating categories of solid waste that, in relation to other categories of solid waste, comprise a large volume of the solid waste stream or present a high potential of harm to human health. At a minimum the following categories of waste shall be evaluated:

(a) By January 1, 1989, yard ~~((waste))~~ debris and other biodegradable materials, paper products, disposable diapers, and batteries; ~~((and))~~

(b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid lightweight cellular polystyrene, and tires; and

(c) By January 1, 2004, construction, demolition, and land-clearing debris, manure, and major food-processing wastes.

(3) The department is prohibited from adopting rules that mandate best management practices for the categories of solid waste identified in subsection (2) of this section.

**Sec. 12.** RCW 70.95.810 and 1998 c 245 s 132 are each amended to read as follows:

(1) In order to establish the feasibility of composting food and yard ~~((wastes))~~ debris, the department shall provide funds, as available, to local governments submitting a proposal to compost such wastes.

(2) The department, in cooperation with the department of community, trade, and economic development, may approve an application if the project can demonstrate the essential parameters for successful composting, including, but not limited to, cost-effectiveness, handling and safety requirements, and current and potential markets."

On page 1, line 1 of the title, after "reduction;" strike the remainder of the title and insert "amending RCW 43.19.1905, 43.19A.020, 39.04.133, 70.95.010, 70.95.030, 70.95.090, 70.95.280, 70.95.290, and 70.95.810; adding a new section to chapter 81.77 RCW; creating new sections; prescribing penalties; and providing an expiration date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to Substitute House Bill No. 2939 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

March 1, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2343 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.55.120 and 1999 c 398 s 7 and 1999 c 327 s 5 are each reenacted and amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140 may be redeemed only under the following circumstances:



# SENATE JOURNAL

— 2000 —

REGULAR SESSION

FIFTY-SIXTH LEGISLATURE

**STATE OF WASHINGTON**

AT

**OLYMPIA, the State Capitol**

2000 Regular Session Convened January 10, 2000  
Adjourned Sine Die March 9, 2000

2000 First Special Session Convened March 10, 2000  
Adjourned Sine Die April 7, 2000

2000 Second Special Session Convened April 24, 2000  
Adjourned Sine Die April 27, 2000

Compiled, Edited and Indexed by  
Tony M. Cook, *Secretary of the Senate*



MARY WILEY  
*Minute and Journal Clerk*

LIEUTENANT GOVERNOR BRAD OWEN, *President of the Senate*  
SENATOR R. LORRAINE WOJAHN, *President Pro Tempore*  
SENATOR ALBERT BAUER, *Vice President Pro Tempore*

STATE PRINTING PLANT



OLYMPIA, WASHINGTON

## HAPPY BIRTHDAY TO SENATOR TIM SHELDON

The President extended Happy Fifty-third Birthday wishes to Senator Tim Sheldon.

## PERSONAL PRIVILEGE

Senator Tim Sheldon: "A point of personal privilege, Mr President. Just briefly, I realized it was my birthday today when I had that first flat tire on my way to Olympia."

## MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 6, 2000

## MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2939 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk  
TIMOTHY A. MARTIN, Co-Chief Clerk

## MOTIONS

On motion of Senator Eide, the Senate receded from its amendment(s) to Substitute House Bill No. 2939.

On motion of Senator Costa, the rules were suspended and Substitute House Bill No. 2939 was returned to second reading and read the second time.

## MOTION

On motion of Senator Eide, the following striking amendment by Senators Eide, Swecker, Fraser and Morton was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of general administration shall work with commercial and industrial construction industry organizations to develop guidelines for implementing on-site construction waste management planning. The topics addressed in the guidelines shall include, but shall not be limited to:

- (a) Standards for identifying the type of wastes generated during construction;
- (b) Methods for analyzing the availability and cost-effectiveness of recycling services for each type of waste;
- (c) Methods for evaluating construction waste management alternatives given limited recycling services in rural areas of the state;
- (d) Strategies to maximize reuse and recycling of wastes and minimize landfill disposal;
- (e) Standardized formats for on-site construction waste management planning and reporting documents; and
- (f) A training and technical assistance plan for public and private building owners and construction industry members, in order to facilitate incorporation of waste management planning and recycling into standard construction industry practice.

(2) By December 15, 2000, the department of general administration shall provide a report to the legislature on the development of the guidelines required by subsection (1) of this section. The report shall include recommendations for incorporating job-site waste management planning and recycling into standard construction industry practice.

Sec. 2. RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read as follows:

(1) The ~~((USEPA))~~ federal product standards, ~~((as now or hereafter amended))~~ adopted under 42 U.S.C. Sec. 6962(e) as it exists on the effective date of this act are adopted as the minimum standards for the state of Washington. These standards shall be implemented for at least the products listed in ~~((a) and (b) of)~~ this subsection ~~((by the dates indicated))~~, unless the director finds that a different standard would significantly increase recycled product availability or competition.

(a) ~~((By July 1, 1997:~~

- ~~((i))~~ Paper and paper products;
- ~~((ii))~~ Organic recovered materials; ~~((and~~
- ~~((iii))~~ Latex paint products;
- ~~((b) By July 1, 1997:~~
- ~~((i))~~ Products for lower value uses containing recycled plastics;
- ~~((ii))~~ Retread and remanufactured tires;
- ~~((iii))~~ Lubricating oils;
- ~~((iv))~~ Automotive batteries;
- ~~((v))~~ Building ~~((insulation))~~ products and materials;
- ~~((vi))~~ Panelboard; and
- ~~((vii))~~ Compost products.

(2) By July 1, 2001, the director shall adopt product standards for strawboard manufactured using as an ingredient straw that is produced as a by-product in the production of cereal grain or turf or grass seed.

(3) The standards required by this section shall be applied to recycled product purchasing by the department and other state agencies. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.

Sec. 3. RCW 39.04.133 and 1996 c 198 s 5 are each amended to read as follows:

(1) The state's preferences for the purchase and use of recycled content products shall be included as a factor in the design and development of state capital improvement projects.

(2) ((Specifications for materials in state construction projects shall include the use of recycled content products and recyclable products whenever practicable))  
If a construction project receives state public funding, the product standards, as provided in RCW 43.19A.020, shall apply to the materials used in the project, whenever the administering agency and project owner determine that such products would be cost-effective and are readily available.

(3) This section does not apply to contracts entered into by a municipality.

Sec. 4. RCW 70.95.010 and 1989 c 431 s 1 are each amended to read as follows:

The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) Waste reduction must become a fundamental strategy of solid waste management. It is therefore necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility.

(5) Source separation of waste must become a fundamental strategy of solid waste management. Collection and handling strategies should have, as an ultimate goal, the source separation of all materials with resource value or environmental hazard.

(6)(a) It ~~(is the responsibility)~~ should be the goal of every person to minimize his or her production of wastes and to separate recyclable or hazardous materials from mixed waste.

(b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically sound. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing mixed waste, and recycling programs.

(c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.

(d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and incentives to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities, recognizing the need to provide flexibility to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community; and to provide county and city governments with adequate technical resources to accomplish this responsibility.

(7) Environmental and economic considerations in solving the state's solid waste management problems requires strong consideration by local governments of regional solutions and intergovernmental cooperation.

(8) The following priorities for the collection, handling, and management of solid waste are necessary and should be followed in descending order as applicable:

(a) Waste reduction;

(b) Recycling, with source separation of recyclable materials as the preferred method;

(c) Energy recovery, incineration, or landfill of separated waste;

(d) Energy recovery, incineration, or landfilling of mixed wastes.

(9) It is the state's goal to achieve a fifty percent recycling rate by ~~(1995)~~ 2005.

(10) It is the state's goal that programs be established to eliminate residential or commercial yard debris in landfills by 2010.

(11) Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal.

~~((11))~~ (12) It is necessary to compile and maintain adequate data on the types and quantities of solid waste that are being generated and to monitor how the various types of solid waste are being managed.

~~((12))~~ (13) Vehicle batteries should be recycled and the disposal of vehicle batteries into landfills or incinerators should be discontinued.

~~((13))~~ (14) Excessive and nonrecyclable packaging of products should be avoided.

~~((14))~~ (15) Comprehensive education should be conducted throughout the state so that people are informed of the need to reduce, source separate, and recycle solid waste.

~~((15))~~ (16) All governmental entities in the state should set an example by implementing aggressive waste reduction and recycling programs at their workplaces and by purchasing products that are made from recycled materials and are recyclable.

~~((16))~~ (17) To ensure the safe and efficient operations of solid waste disposal facilities, it is necessary for operators and regulators of landfills and incinerators to receive training and certification.

~~((17))~~ (18) It is necessary to provide adequate funding to all levels of government so that successful waste reduction and recycling programs can be implemented.

~~((18))~~ (19) The development of stable and expanding markets for recyclable materials is critical to the long-term success of the state's recycling goals. Market development must be encouraged on a state, regional, and national basis to maximize its effectiveness. The state shall assume primary responsibility for the development of a multifaceted market development program to carry out the purposes of this act.

~~((19))~~ (20) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded tires and other problem wastes with the subsequent conservation of resources and energy.

Sec. 5. RCW 70.95.030 and 1998 c 36 s 17 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "City" means every incorporated city and town.

(2) "Commission" means the utilities and transportation commission.

(3) "Committee" means the state solid waste advisory committee.

(4) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

(8) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

(9) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(10) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

(11) "Jurisdictional health department" means city, county, city-county, or district public health department.

(12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(13) "Local government" means a city, town, or county.

(14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

(15) "Multiple family residence" means any structure housing two or more dwelling units.

(16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

(18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(19) "Residence" means the regular dwelling place of an individual or individuals.

(20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.



(21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.

(22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in RCW 70.95.030, but does not include biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

Sec. 6. RCW 70.95.090 and 1991 c 298 s 3 are each amended to read as follows:

Each county and city comprehensive solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his or her place of business and the area covered by the franchise;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A comprehensive waste reduction and recycling element that, in accordance with the priorities established in RCW 70.95.010, provides programs that (a) reduce the amount of waste generated, (b) provide incentives and mechanisms for source separation, and (c) establish recycling opportunities for the source separated waste.

(7) The waste reduction and recycling element shall include the following:

(a) Waste reduction strategies;

(b) Source separation strategies, including:

(i) Programs for the collection of source separated materials from residences in urban and rural areas. In urban areas, these programs shall include collection of source separated recyclable materials from single and multiple family residences, unless the department approves an alternative program, according to the criteria in the planning guidelines. Such criteria shall include: Anticipated recovery rates and levels of public participation, availability of environmentally sound disposal capacity, access to markets for recyclable materials, unreasonable cost impacts on the ratepayer over the six-year planning period, utilization of environmentally sound waste reduction and recycling technologies, and other factors as appropriate. In rural areas, these programs shall include but not be limited to drop-off boxes, buy-back centers, or a combination of both, at each solid waste transfer, processing, or disposal site, or at locations convenient to the residents of the county. The drop-off boxes and buy-back centers may be owned or operated by public, nonprofit, or private persons;

(ii) Programs to monitor the collection of source separated waste at nonresidential sites where there is sufficient density to sustain a program;

(iii) Programs to collect yard waste, if the county or city submitting the plan finds that there are adequate markets or capacity for composted yard waste within or near the service area to consume the majority of the material collected; and

(iv) Programs to educate and promote the concepts of waste reduction and recycling;

(c) Recycling strategies, including a description of markets for recyclables, a review of waste generation trends, a description of waste composition, a discussion and description of existing programs and any additional programs needed to assist public and private sector recycling, and an implementation schedule for the designation of specific materials to be collected for recycling, and for the provision of recycling collection services;

(d) Consideration of residential collection rate structures that provide economic incentives for customers to reduce their level of solid waste collection service and increase their participation in waste reduction, recycling, and yard waste collection programs. Any jurisdiction that is a signatory to a comprehensive solid waste plan that adopts residential incentive rates shall adopt ordinances to implement rate structures that are consistent with the guidelines in the comprehensive plans. The utilities and transportation commission is authorized to issue rules to implement this section for solid waste companies regulated under Title 81 RCW; and

(e) Other information the county or city submitting the plan determines is necessary.

(8) An assessment of the plan's impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the utilities and transportation commission. The commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.

(9) A review of potential areas that meet the criteria as outlined in RCW 70.95.165.

Sec. 7. RCW 70.95.290 and 1988 c 184 s 3 are each amended to read as follows:

(1) The evaluation of the solid waste stream required in RCW 70.95.280 shall include the following elements:

(a) The department shall determine which management method for each category of solid waste will have the least environmental impact; and

(b) The department shall evaluate the costs of various management options for each category of solid waste, including a review of market availability, and shall take into consideration the economic impact on affected parties;

(c) Based on the results of (a) and (b) of this subsection, the department shall determine the best management for each category of solid waste. Different management methods for the same categories of waste may be developed for different parts of the state.

(2) The department shall give priority to evaluating categories of solid waste that, in relation to other categories of solid waste, comprise a large volume of the solid waste stream or present a high potential of harm to human health. At a minimum the following categories of waste shall be evaluated:

(a) By January 1, 1989, yard (~~waste~~) debris and other biodegradable materials, paper products, disposable diapers, and batteries; (~~and~~)

(b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid lightweight cellular polystyrene, and tires; and

(c) By January 1, 2004, construction, demolition, and land-clearing debris, manure, and major food-processing wastes.

(3) The department is prohibited from adopting rules that mandate best management practices for the categories of solid waste identified in subsection (2) of this section.

Sec. 8. RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to read as follows:

The director of general administration shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

(1) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

- (2) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;
- (3) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;
- (4) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;
- (5) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;
- (6) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy;
- (7) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions, including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;
- (8) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;
- (9) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;
- (10) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;
- (11) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;
- (12) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;
- (13) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;
- (14) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;
- (15) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;
- (16) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;
- (17) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;
- (18) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;
- (19) Resolution of all other purchasing and material matters which require the establishment of overall state-wide policy for effective and economical supply management;
- (20) Development of guidelines and criteria for the purchase of vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002);
- (21) Development of goals for state use of recycled and environmentally preferable products through specifications for products and services, processes for requests for proposals and requests for qualifications, contractor selection, and contract negotiations.

MOTIONS

On motion of Senator Eide, the following title amendment was adopted:

On page 1, line 1 of the title, after "reduction;" strike the remainder of the title and insert "amending RCW 43.19A.020, 39.04.133, 70.95.010, 70.95.030, 70.95.090, 70.95.290, and 43.19.1905; and creating a new section."

On motion of Senator Eide, the rules were suspended, Substitute House Bill 2939, as amended by the Senate under suspension of the rules, was advanced to third reading the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2939, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2939, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Hargrove and Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2939, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2000

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6531 with the following amendment(s):

On page 4, after line 37, insert the following:

"NEW SECTION. Sec. 4. The joint committee on pension policy shall study the feasibility of providing an option of plan 2 or plan 3 for school employees retirement systems and teachers' retirement systems new employees, and it shall provide recommendations to the appropriate legislative committees by January 1, 2001."

Renumber remaining sections consecutively and correct title and internal references accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk  
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION


On motion of Senator Long, the Senate concurred in the House amendment to Substitute Senate Bill No. 6531.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6531, as amended by the House.

# Senate Bill 6715

Fifty-Sixth Washington Legislature, Second Session (2000)





**WASHINGTON STATE LEGISLATURE**  
**Detailed Legislative Reports** - *Bill Summary*

[DLR Home](#) | [Legislature Home](#) | [Senate](#) | [House of Representatives](#) | [Basic Search](#) | [Register](#) | [Log In](#)

[Home](#) | [Bill History](#) | [Bill Tracking](#) | [Docs](#) | [Bill Sponsors](#) | [Roll Calls](#) | [BI/OC](#) | [Topical Index](#) | [Selected Step](#)

Biennium

List documents before history  
 Open documents in a new window

Bill Number

**SB 6715**  Encouraging recycling and waste reduction.

Go to documents...

**HISTORY OF BILL: SB 6715**  
**Monday, December 27, 2010 11:41 AM**

 [Print Version](#)

Sponsors: Senators [Eide](#), [Swecker](#), [Fraser](#), [Costa](#), [Rasmussen](#), [Morton](#), [Patterson](#), [Kline](#), [Jacobsen](#), [Kohl-Welles](#)

**2000 REGULAR SESSION**

- Jan 24 First reading, referred to Environmental Quality & Water Resources. ([View Original Bill](#))
- Feb 4 **EQWR - Majority; 1st substitute bill be substituted, do pass.** ([View 1st Substitute](#))  
 Minority; do not pass.  
Passed to Rules Committee for second reading.
- Feb 8 Made eligible to be placed on second reading.
- Feb 9 Placed on second reading by Rules Committee.
- Feb 14 **1st substitute bill substituted (EQWR 00).** ([View 1st Substitute](#))  
 Floor amendment(s) adopted.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 44; nays, 4; absent, 1. ([View Roll Calls](#)) ([View 1st Engrossed](#))

**IN THE HOUSE**

- Feb 16 First reading, referred to Agriculture & Ecology.
- Feb 25 AGEC - Majority; do pass with amendment(s).  
Passed to Rules Committee for second reading.
- Feb 29 Placed on second reading by Rules Committee.
- Mar 3 Committee amendment adopted with no other amendments.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 98; nays, 0; absent, 0. ([View Roll Calls](#))

**IN THE SENATE**

- Mar 9 Returned to Senate Rules 3.

Go to history...

**Available Documents**

For a complete list of documents, go to Detailed Legislative Reports [Text of a Legislative Document](#)

Bill Documents	Bill Digests	Bill Reports
Original Bill	Bill Digest	Senate Bill Report
Substitute Bill (EQWR 00)	Substitute Bill Digest	Substitute Senate Bill Report
Engrossed Substitute		Substitute House Bill Analysis



Engrossed Substitute

⋮

Substitute House Bill Analysis

Substitute House Bill Report

⋮

Amendments

6715-S AAS 2-14-00 S4820.2 (AMD 130 ADOPTED 2/14/00)

6715-S.E AMH AGECE H5024.2 (ADOPTED 3-3-00)

6715-S.E AMH MIEL DAVI 1 (632 FAILED 3-3-00)

Fiscal Note (Not Available)

---

**SENATE BILL 6715**

---

**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** Senators Eide, Swecker, Fraser, Costa, Rasmussen, Morton, Patterson, Kline, Jacobsen and Kohl-Welles

Read first time 01/24/2000. Referred to Committee on Environmental Quality & Water Resources.

1 AN ACT Relating to recycling and waste reduction; amending RCW  
2 43.19A.020, 70.95.010, 70.95.030, 70.95.090, 70.95.280, 70.95.290, and  
3 70.95.810; adding a new section to chapter 43.19A RCW; adding a new  
4 section to chapter 39.04 RCW; adding a new section to chapter 81.77  
5 RCW; and prescribing penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.19A RCW  
8 to read as follows:

9 (1) If a construction project receives state public funding, the  
10 general construction contractor shall develop and implement an on-site  
11 waste management plan. The plan shall include:

12 (a) An identification of the type and volume of wastes to be  
13 generated during construction;

14 (b) Alternatives to disposing of materials in a landfill, including  
15 the revenues and costs of the alternatives and the costs of disposal in  
16 a landfill; and

17 (c) Strategies to maximize reuse and recycling of wastes and  
18 minimize landfill disposal.

1 (2) Within sixty days of completion of the contract, the contractor  
2 shall file a report with the department that includes the volumes of  
3 waste generated and how the waste was managed.

4 **Sec. 2.** RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read  
5 as follows:

6 (1) The ~~((USEPA))~~ federal product standards, ~~((as now or hereafter~~  
7 ~~amended))~~ adopted under 42 U.S.C. Sec. 6962(e) as it exists on the  
8 effective date of this act, are adopted as the minimum standards for  
9 the state of Washington. These standards shall be implemented for at  
10 least the products listed in ~~((a) and (b) of))~~ this subsection ~~((by~~  
11 ~~the dates indicated,))~~ unless the director finds that a different  
12 standard would significantly increase recycled product availability or  
13 competition.

14 (a) ~~((By July 1, 1997:~~  
15 ~~(i))~~) Paper and paper products;  
16 ~~((ii))~~ (b) Organic recovered materials; ~~((and~~  
17 ~~(iii))~~) (c) Latex paint products;  
18 ~~((b) By July 1, 1997:~~  
19 ~~(i))~~ (d) Products for lower value uses containing recycled  
20 plastics;  
21 ~~((ii))~~ (e) Retread and remanufactured tires;  
22 ~~((iii))~~ (f) Lubricating oils;  
23 ~~((iv))~~ (g) Automotive batteries;  
24 ~~((v))~~ (h) Building ~~((insulation))~~ products and materials;  
25 ~~((vi))~~ (i) Panelboard; and  
26 ~~((vii))~~ (j) Compost products.

27 (2) The standards required by this section shall be applied to  
28 recycled product purchasing by the department and other state agencies.  
29 The standards may be adopted or applied by any other local government  
30 in product procurement. The standards shall provide for exceptions  
31 under appropriate circumstances to allow purchases of recycled products  
32 that do not meet the minimum content requirements of the standards.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 39.04 RCW  
34 to read as follows:

35 If a construction project receives state public funding:

36 (1) The product standards, as provided in RCW 43.19A.020, shall  
37 apply on the materials used in the project; and

**PAGE 64**

1 (2) The contractor shall develop and implement an on-site waste  
2 management plan, as provided in section 1 of this act.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 81.77 RCW  
4 to read as follows:

5 (1) The commission shall allow a solid waste collection company  
6 collecting recyclable materials from residential customers to retain up  
7 to thirty percent of the revenue paid to the company for the material  
8 if the company submits a plan to the commission that is certified by  
9 the appropriate local government authority as being consistent with the  
10 local government solid waste plan and that demonstrates how the  
11 revenues will be used to increase recycling. The remaining seventy  
12 percent of the revenue shall be passed to residential customers served  
13 by the company.

14 (2) By December 2, 2003, the commission shall provide a report to  
15 the legislature that evaluates:

16 (a) The effectiveness of revenue sharing as an incentive to  
17 increase recycling in the state; and

18 (b) The effect of revenue sharing on costs to customers.

19 **Sec. 5.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read  
20 as follows:

21 The legislature finds:

22 (1) Continuing technological changes in methods of manufacture,  
23 packaging, and marketing of consumer products, together with the  
24 economic and population growth of this state, the rising affluence of  
25 its citizens, and its expanding industrial activity have created new  
26 and ever-mounting problems involving disposal of garbage, refuse, and  
27 solid waste materials resulting from domestic, agricultural, and  
28 industrial activities.

29 (2) Traditional methods of disposing of solid wastes in this state  
30 are no longer adequate to meet the ever-increasing problem. Improper  
31 methods and practices of handling and disposal of solid wastes pollute  
32 our land, air and water resources, blight our countryside, adversely  
33 affect land values, and damage the overall quality of our environment.

34 (3) Considerations of natural resource limitations, energy  
35 shortages, economics and the environment make necessary the development  
36 and implementation of solid waste recovery and/or recycling plans and  
37 programs.

1 (4) Waste reduction must become a fundamental strategy of solid  
2 waste management. It is therefore necessary to change manufacturing  
3 and purchasing practices and waste generation behaviors to reduce the  
4 amount of waste that becomes a governmental responsibility.

5 (5) Source separation of waste must become a fundamental strategy  
6 of solid waste management. Collection and handling strategies should  
7 have, as an ultimate goal, the source separation of all materials with  
8 resource value or environmental hazard.

9 (6)(a) It is the responsibility of every person to minimize his or  
10 her production of wastes and to separate recyclable or hazardous  
11 materials from mixed waste.

12 (b) It is the responsibility of state, county, and city governments  
13 to provide for a waste management infrastructure to fully implement  
14 waste reduction and source separation strategies and to process and  
15 dispose of remaining wastes in a manner that is environmentally safe  
16 and economically sound. It is further the responsibility of state,  
17 county, and city governments to monitor the cost-effectiveness and  
18 environmental safety of combusting separated waste, processing mixed  
19 waste, and recycling programs.

20 (c) It is the responsibility of county and city governments to  
21 assume primary responsibility for solid waste management and to develop  
22 and implement aggressive and effective waste reduction and source  
23 separation strategies.

24 (d) It is the responsibility of state government to ensure that  
25 local governments are providing adequate source reduction and  
26 separation opportunities and incentives to all, including persons in  
27 both rural and urban areas, and nonresidential waste generators such as  
28 commercial, industrial, and institutional entities, recognizing the  
29 need to provide flexibility to accommodate differing population  
30 densities, distances to and availability of recycling markets, and  
31 collection and disposal costs in each community; and to provide county  
32 and city governments with adequate technical resources to accomplish  
33 this responsibility.

34 (7) Environmental and economic considerations in solving the  
35 state's solid waste management problems requires strong consideration  
36 by local governments of regional solutions and intergovernmental  
37 cooperation.

PAGE 66

1 (8) The following priorities for the collection, handling, and  
2 management of solid waste are necessary and should be followed in  
3 descending order as applicable:

4 (a) Waste reduction;

5 (b) Recycling, with source separation of recyclable materials as  
6 the preferred method;

7 (c) Energy recovery, incineration, or landfill of separated waste;

8 (d) Energy recovery, incineration, or landfilling of mixed wastes.

9 (9) It is the state's goal to achieve a fifty percent recycling  
10 rate by ~~((1995))~~ 2005.

11 (10) It is the state's goal that no residential or commercial yard  
12 debris be disposed of in landfills by 2010.

13 ~~(11)~~ Steps should be taken to make recycling at least as affordable  
14 and convenient to the ratepayer as mixed waste disposal.

15 ~~((11))~~ (12) It is necessary to compile and maintain adequate data  
16 on the types and quantities of solid waste that are being generated and  
17 to monitor how the various types of solid waste are being managed.

18 ~~((12))~~ (13) Vehicle batteries should be recycled and the disposal  
19 of vehicle batteries into landfills or incinerators should be  
20 discontinued.

21 ~~((13))~~ (14) Excessive and nonrecyclable packaging of products  
22 should be avoided.

23 ~~((14))~~ (15) Comprehensive education should be conducted  
24 throughout the state so that people are informed of the need to reduce,  
25 source separate, and recycle solid waste.

26 ~~((15))~~ (16) All governmental entities in the state should set an  
27 example by implementing aggressive waste reduction and recycling  
28 programs at their workplaces and by purchasing products that are made  
29 from recycled materials and are recyclable.

30 ~~((16))~~ (17) To ensure the safe and efficient operations of solid  
31 waste disposal facilities, it is necessary for operators and regulators  
32 of landfills and incinerators to receive training and certification.

33 ~~((17))~~ (18) It is necessary to provide adequate funding to all  
34 levels of government so that successful waste reduction and recycling  
35 programs can be implemented.

36 ~~((18))~~ (19) The development of stable and expanding markets for  
37 recyclable materials is critical to the long-term success of the  
38 state's recycling goals. Market development must be encouraged on a  
39 state, regional, and national basis to maximize its effectiveness. The

1 state shall assume primary responsibility for the development of a  
2 multifaceted market development program to carry out the purposes of  
3 this act.

4 (~~((19))~~) (20) There is an imperative need to anticipate, plan for,  
5 and accomplish effective storage, control, recovery, and recycling of  
6 discarded tires and other problem wastes with the subsequent  
7 conservation of resources and energy.

8 **Sec. 6.** RCW 70.95.030 and 1998 c 36 s 17 are each amended to read  
9 as follows:

10 As used in this chapter, unless the context indicates otherwise:

11 (1) "City" means every incorporated city and town.

12 (2) "Commission" means the utilities and transportation commission.

13 (3) "Committee" means the state solid waste advisory committee.

14 (4) "Composted material" means organic solid waste that has been  
15 subjected to controlled aerobic degradation at a solid waste facility  
16 in compliance with the requirements of this chapter. Natural decay of  
17 organic solid waste under uncontrolled conditions does not result in  
18 composted material.

19 (5) "Department" means the department of ecology.

20 (6) "Director" means the director of the department of ecology.

21 (7) "Disposal site" means the location where any final treatment,  
22 utilization, processing, or deposit of solid waste occurs.

23 (8) "Energy recovery" means a process operating under federal and  
24 state environmental laws and regulations for converting solid waste  
25 into usable energy and for reducing the volume of solid waste.

26 (9) "Functional standards" means criteria for solid waste handling  
27 expressed in terms of expected performance or solid waste handling  
28 functions.

29 (10) "Incineration" means a process of reducing the volume of solid  
30 waste operating under federal and state environmental laws and  
31 regulations by use of an enclosed device using controlled flame  
32 combustion.

33 (11) "Jurisdictional health department" means city, county, city-  
34 county, or district public health department.

35 (12) "Landfill" means a disposal facility or part of a facility at  
36 which solid waste is placed in or on land and which is not a land  
37 treatment facility.

38 (13) "Local government" means a city, town, or county.

PAGE 68



1 (14) "Modify" means to substantially change the design or  
2 operational plans including, but not limited to, removal of a design  
3 element previously set forth in a permit application or the addition of  
4 a disposal or processing activity that is not approved in the permit.

5 (15) "Multiple family residence" means any structure housing two or  
6 more dwelling units.

7 (16) "Person" means individual, firm, association, copartnership,  
8 political subdivision, government agency, municipality, industry,  
9 public or private corporation, or any other entity whatsoever.

10 (17) "Recyclable materials" means those solid wastes that are  
11 separated for recycling or reuse, such as papers, metals, and glass,  
12 that are identified as recyclable material pursuant to a local  
13 comprehensive solid waste plan. Prior to the adoption of the local  
14 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),  
15 local governments may identify recyclable materials by ordinance from  
16 July 23, 1989.

17 (18) "Recycling" means transforming or remanufacturing waste  
18 materials into usable or marketable materials for use other than  
19 landfill disposal or incineration.

20 (19) "Residence" means the regular dwelling place of an individual  
21 or individuals.

22 (20) "Sewage sludge" means a semisolid substance consisting of  
23 settled sewage solids combined with varying amounts of water and  
24 dissolved materials, generated from a wastewater treatment system, that  
25 does not meet the requirements of chapter 70.95J RCW.

26 (21) "Soil amendment" means any substance that is intended to  
27 improve the physical characteristics of the soil, except composted  
28 material, commercial fertilizers, agricultural liming agents,  
29 unmanipulated animal manures, unmanipulated vegetable manures, food  
30 wastes, food processing wastes, and materials exempted by rule of the  
31 department, such as biosolids as defined in chapter 70.95J RCW and  
32 wastewater as regulated in chapter 90.48 RCW.

33 (22) "Solid waste" or "wastes" means all putrescible and  
34 nonputrescible solid and semisolid wastes including, but not limited  
35 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,  
36 demolition and construction wastes, abandoned vehicles or parts  
37 thereof, and recyclable materials.

38 (23) "Solid waste handling" means the management, storage,  
39 collection, transportation, treatment, utilization, processing, and

1 final disposal of solid wastes, including the recovery and recycling of  
2 materials from solid wastes, the recovery of energy resources from  
3 solid wastes or the conversion of the energy in solid wastes to more  
4 useful forms or combinations thereof.

5 (24) "Source separation" means the separation of different kinds of  
6 solid waste at the place where the waste originates.

7 (25) "Vehicle" includes every device physically capable of being  
8 moved upon a public or private highway, road, street, or watercourse  
9 and in, upon, or by which any person or property is or may be  
10 transported or drawn upon a public or private highway, road, street, or  
11 watercourse, except devices moved by human or animal power or used  
12 exclusively upon stationary rails or tracks.

13 (26) "Waste-derived soil amendment" means any soil amendment as  
14 defined in this chapter that is derived from solid waste as defined in  
15 RCW 70.95.030, but does not include biosolids or biosolids products  
16 regulated under chapter 70.95J RCW or wastewaters regulated under  
17 chapter 90.48 RCW.

18 (27) "Waste reduction" means reducing the amount or toxicity of  
19 waste generated or reusing materials.

20 (28) "Yard debris" means plant material commonly created in the  
21 course of maintaining yards and gardens, and through horticulture,  
22 gardening, landscaping, or similar activities. Yard debris includes  
23 but is not limited to grass clippings, leaves, branches, brush, weeds,  
24 flowers, roots, windfall fruit, vegetable garden debris, holiday trees,  
25 and tree prunings four inches or less in diameter.

26 **Sec. 7.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to read  
27 as follows:

28 Each county and city comprehensive solid waste management plan  
29 shall include the following:

30 (1) A detailed inventory and description of all existing solid  
31 waste handling facilities including an inventory of any deficiencies in  
32 meeting current solid waste handling needs.

33 (2) The estimated long-range needs for solid waste handling  
34 facilities projected twenty years into the future.

35 (3) A program for the orderly development of solid waste handling  
36 facilities in a manner consistent with the plans for the entire county  
37 which shall:

PAGE 70

1 (a) Meet the minimum functional standards for solid waste handling  
2 adopted by the department and all laws and regulations relating to air  
3 and water pollution, fire prevention, flood control, and protection of  
4 public health;

5 (b) Take into account the comprehensive land use plan of each  
6 jurisdiction;

7 (c) Contain a six year construction and capital acquisition program  
8 for solid waste handling facilities; and

9 (d) Contain a plan for financing both capital costs and operational  
10 expenditures of the proposed solid waste management system.

11 (4) A program for surveillance and control.

12 (5) A current inventory and description of solid waste collection  
13 needs and operations within each respective jurisdiction which shall  
14 include:

15 (a) Any franchise for solid waste collection granted by the  
16 utilities and transportation commission in the respective jurisdictions  
17 including the name of the holder of the franchise and the address of  
18 his or her place of business and the area covered by the franchise;

19 (b) Any city solid waste operation within the county and the  
20 boundaries of such operation;

21 (c) The population density of each area serviced by a city  
22 operation or by a franchised operation within the respective  
23 jurisdictions;

24 (d) The projected solid waste collection needs for the respective  
25 jurisdictions for the next six years.

26 (6) A comprehensive waste reduction and recycling element that, in  
27 accordance with the priorities established in RCW 70.95.010, provides  
28 programs that (a) reduce the amount of waste generated, (b) provide  
29 incentives and mechanisms for source separation, and (c) establish  
30 recycling opportunities for the source separated waste.

31 (7) The waste reduction and recycling element shall include the  
32 following:

33 (a) Waste reduction strategies;

34 (b) Source separation strategies, including:

35 (i) Programs for the collection of source separated materials from  
36 residences in urban and rural areas. In urban areas, these programs  
37 shall include collection of source separated recyclable materials from  
38 single and multiple family residences, unless the department approves  
39 an alternative program, according to the criteria in the planning

1 guidelines. Such criteria shall include: Anticipated recovery rates  
2 and levels of public participation, availability of environmentally  
3 sound disposal capacity, access to markets for recyclable materials,  
4 unreasonable cost impacts on the ratepayer over the six-year planning  
5 period, utilization of environmentally sound waste reduction and  
6 recycling technologies, and other factors as appropriate. In rural  
7 areas, these programs shall include but not be limited to drop-off  
8 boxes, buy-back centers, or a combination of both, at each solid waste  
9 transfer, processing, or disposal site, or at locations convenient to  
10 the residents of the county. The drop-off boxes and buy-back centers  
11 may be owned or operated by public, nonprofit, or private persons;

12 (ii) Programs to monitor the collection of source separated waste  
13 at nonresidential sites where there is sufficient density to sustain a  
14 program;

15 (iii) Programs to collect yard ~~((waste, if the county or city  
16 submitting the plan finds that there are))~~ debris, including strategies  
17 to:

18 (A) Develop alternative means for managing yard debris;

19 (B) Eliminate disposal of yard debris in landfills; and

20 (C) Develop adequate markets or capacity for composted yard  
21 ((waste)) debris within or near the service area to consume ((the  
22 majority of)) the material collected; and

23 (iv) Programs to educate and promote the concepts of waste  
24 reduction and recycling;

25 (c) Recycling strategies, including a description of markets for  
26 recyclables, a review of waste generation trends, a description of  
27 waste composition, a discussion and description of existing programs  
28 and any additional programs needed to assist public and private sector  
29 recycling, and an implementation schedule for the designation of  
30 specific materials to be collected for recycling, and for the provision  
31 of recycling collection services;

32 (d) Establishment of residential collection rate structures that  
33 provide economic incentives for customers to reduce their level of  
34 solid waste collection service and encourage participation in waste  
35 reduction, recycling, and yard debris collection programs. All  
36 jurisdictions that are signatories to comprehensive solid waste  
37 management plans shall adopt ordinances to implement rate structures  
38 that are consistent with the guidelines in the comprehensive plans; and

PAGE 72

1 (e) Other information the county or city submitting the plan  
2 determines is necessary.

3 (8) An assessment of the plan's impact on the costs of solid waste  
4 collection. The assessment shall be prepared in conformance with  
5 guidelines established by the utilities and transportation commission.  
6 The commission shall cooperate with the Washington state association of  
7 counties and the association of Washington cities in establishing such  
8 guidelines.

9 (9) A review of potential areas that meet the criteria as outlined  
10 in RCW 70.95.165.

11 **Sec. 8.** RCW 70.95.280 and 1989 c 431 s 13 are each amended to read  
12 as follows:

13 The department of ecology shall determine the best management  
14 practices for categories of solid waste in accordance with the priority  
15 solid waste management methods established in RCW 70.95.010. In order  
16 to make this determination, the department shall conduct a  
17 comprehensive solid waste stream analysis and evaluation. Following  
18 establishment of baseline data resulting from an initial in-depth  
19 analysis of the waste stream, the department shall develop a less  
20 intensive method of monitoring the disposed waste stream including, but  
21 not limited to, changes in the amount of waste generated and waste  
22 type. The department shall monitor curbside collection programs and  
23 other waste segregation and disposal technologies to determine, to the  
24 extent possible, the effectiveness of these programs in terms of cost  
25 and participation, their applicability to other locations, and their  
26 implications regarding rules adopted under this chapter. Persons who  
27 collect solid waste shall annually report to the department the types  
28 and quantities of solid waste that are collected and where it is  
29 delivered. The department shall adopt guidelines for reporting and for  
30 (~~keeping proprietary information confidential~~) maintaining the  
31 confidentiality of proprietary information included in the report. By  
32 March 1st of each year, entities that collect recycled material shall  
33 report their activity from the previous calendar year on a form  
34 provided by the department. The department may impose a penalty of one  
35 hundred dollars on any entity that fails to submit the required report  
36 to the department. The department may impose an additional penalty of  
37 one hundred dollars for each day after March 1st that a firm fails to  
38 submit the required report. The total penalties for failure to report



1 shall not exceed one thousand dollars. By May 1st of each year, the  
2 department may arrange for the publication in recycling and solid waste  
3 industry trade publications the names of those entities failing to file  
4 the required report. The department shall structure penalties and  
5 other sanctions so as to encourage compliance with the annual reporting  
6 requirement.

7 **Sec. 9.** RCW 70.95.290 and 1988 c 184 s 3 are each amended to read  
8 as follows:

9 (1) The evaluation of the solid waste stream required in RCW  
10 70.95.280 shall include the following elements:

11 (a) The department shall determine which management method for each  
12 category of solid waste will have the least environmental impact; and

13 (b) The department shall evaluate the costs of various management  
14 options for each category of solid waste, including a review of market  
15 availability, and shall take into consideration the economic impact on  
16 affected parties;

17 (c) Based on the results of (a) and (b) of this subsection, the  
18 department shall determine the best management for each category of  
19 solid waste. Different management methods for the same categories of  
20 waste may be developed for different parts of the state.

21 (2) The department shall give priority to evaluating categories of  
22 solid waste that, in relation to other categories of solid waste,  
23 comprise a large volume of the solid waste stream or present a high  
24 potential of harm to human health. At a minimum the following  
25 categories of waste shall be evaluated:

26 (a) By January 1, 1989, yard ((waste)) debris and other  
27 biodegradable materials, paper products, disposable diapers, and  
28 batteries; ((and))

29 (b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid  
30 lightweight cellular polystyrene, and tires; and

31 (c) By January 1, 2002, construction, demolition, and land-clearing  
32 debris, biosolids, manure, and major food-processing wastes.

33 **Sec. 10.** RCW 70.95.810 and 1998 c 245 s 132 are each amended to  
34 read as follows:

35 (1) In order to establish the feasibility of composting food and  
36 yard ((wastes)) debris, the department shall provide funds, as

PAGE 74

1 available, to local governments submitting a proposal to compost such  
2 wastes.

3 (2) The department, in cooperation with the department of  
4 community, trade, and economic development, may approve an application  
5 if the project can demonstrate the essential parameters for successful  
6 composting, including, but not limited to, cost-effectiveness, handling  
7 and safety requirements, and current and potential markets.

--- END ---

2 By Representative Linville

3 **ESSB 6715** - H COMM AMD **ADOPTED 3-3-00**  
4 By Committee on Agriculture & Ecology

5  
6 Strike everything after the enacting clause and insert the  
7 following:

8 NEW SECTION. **Sec. 1.** (1) The department of general  
9 administration shall work with commercial and industrial construction  
10 industry organizations to develop guidelines for implementing on-site  
11 construction waste management planning. The topics addressed in the  
12 guidelines shall include, but shall not be limited to:

13 (a) Standards for identifying the type of wastes generated during  
14 construction;

15 (b) Methods for analyzing the availability and cost-effectiveness  
16 of recycling services for each type of waste;

17 (c) Methods for evaluating construction waste management  
18 alternatives given limited recycling services in rural areas of the  
19 state;

20 (d) Strategies to maximize reuse and recycling of wastes and  
21 minimize landfill disposal;

22 (e) Standardized formats for on-site construction waste management  
23 planning and reporting documents; and

24 (f) A training and technical assistance plan for public and private  
25 building owners and construction industry members, in order to  
26 facilitate incorporation of waste management planning and recycling  
27 into standard construction industry practice.

28 (2) By December 15, 2000, the department of general administration  
29 shall provide a report to the legislature on the development of the  
30 guidelines required by subsection (1) of this section. The report  
31 shall include recommendations for incorporating job-site waste  
32 management planning and recycling into standard construction industry  
33 practice.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 81.77 RCW  
35 to read as follows:

1 (1) In order to provide an incentive for recycling, the commission  
2 shall allow a solid waste collection company collecting recyclable  
3 materials from residential customers to retain thirty percent of the  
4 revenue paid to the companies for the material. The remaining seventy  
5 percent of the revenue shall be passed to residential customers served  
6 by the company. Failure to provide documentation of increased  
7 recycling will cause the entire revenue stream to be passed to  
8 residential customers served by the company. The following documents  
9 are required:

10 (a) A plan submitted to the commission that is consistent with the  
11 comprehensive solid waste plan and showing how the company plans to  
12 increase recycling; and

13 (b) A yearly report showing that the plan has been successful at  
14 increasing recycling, as demonstrated by actual recycling tonnage  
15 increases, or by decreases in landfill disposal, or by other methods as  
16 agreed to by the local jurisdiction.

17 (2) By December 1, 2003, the commission shall provide a report to  
18 the legislature that evaluates:

19 (a) The effectiveness of revenue sharing as an incentive to  
20 increase recycling in the state; and

21 (b) The effect of revenue sharing on costs to customers.

22 (3) This section expires December 31, 2006.

23 **Sec. 3.** RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read  
24 as follows:

25 (1) The USEPA product standards, as now or hereafter amended, are  
26 adopted as the minimum standards for the state of Washington. These  
27 standards shall be implemented for at least the products listed in (a)  
28 and (b) of this subsection by the dates indicated, unless the director  
29 finds that a different standard would significantly increase recycled  
30 product availability or competition.

31 (a) By July 1, 1997:

32 (i) Paper and paper products;

33 (ii) Organic recovered materials; and

34 (iii) Latex paint products;

35 (b) By July 1, 1997:

36 (i) Products for lower value uses containing recycled plastics;

37 (ii) Retread and remanufactured tires;

38 (iii) Lubricating oils;

- 1 (iv) Automotive batteries;
- 2 (v) Building ((insulation)) products and materials;
- 3 (vi) Panelboard; and
- 4 (vii) Compost products.

5 (2) By July 1, 2001, the director shall adopt product standards for  
6 strawboard that has, as an ingredient, straw that is a byproduct of the  
7 production of cereal grains or turf or grass seed.

8 (3) The standards required by this section shall be applied to  
9 recycled product purchasing by the department and other state agencies.  
10 The standards may be adopted or applied by any other local government  
11 in product procurement. The standards shall provide for exceptions  
12 under appropriate circumstances to allow purchases of recycled products  
13 that do not meet the minimum content requirements of the standards.

14 **Sec. 4.** RCW 39.04.133 and 1996 c 198 s 5 are each amended to read  
15 as follows:

16 (1) The state's preferences for the purchase and use of recycled  
17 content products shall be included as a factor in the design and  
18 development of state capital improvement projects.

19 (2) (~~Specifications for materials in state construction projects~~  
20 ~~shall include the use of recycled content products and recyclable~~  
21 ~~products whenever practicable)) If a construction project receives  
22 state public funding, the product standards, as provided in RCW  
23 43.19A.020, shall apply to the materials used in the project, whenever  
24 the administering agency and project owner determine that such products  
25 would be cost-effective and are readily available.~~

26 (3) This section does not apply to contracts entered into by a  
27 municipality.

28 **Sec. 5.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read  
29 as follows:

30 The legislature finds:

31 (1) Continuing technological changes in methods of manufacture,  
32 packaging, and marketing of consumer products, together with the  
33 economic and population growth of this state, the rising affluence of  
34 its citizens, and its expanding industrial activity have created new  
35 and ever-mounting problems involving disposal of garbage, refuse, and  
36 solid waste materials resulting from domestic, agricultural, and  
37 industrial activities.



1 (2) Traditional methods of disposing of solid wastes in this state  
2 are no longer adequate to meet the ever-increasing problem. Improper  
3 methods and practices of handling and disposal of solid wastes pollute  
4 our land, air and water resources, blight our countryside, adversely  
5 affect land values, and damage the overall quality of our environment.

6 (3) Considerations of natural resource limitations, energy  
7 shortages, economics and the environment make necessary the development  
8 and implementation of solid waste recovery and/or recycling plans and  
9 programs.

10 (4) Waste reduction must become a fundamental strategy of solid  
11 waste management. It is therefore necessary to change manufacturing  
12 and purchasing practices and waste generation behaviors to reduce the  
13 amount of waste that becomes a governmental responsibility.

14 (5) Source separation of waste must become a fundamental strategy  
15 of solid waste management. Collection and handling strategies should  
16 have, as an ultimate goal, the source separation of all materials with  
17 resource value or environmental hazard.

18 (6)(a) It (~~is the responsibility~~) should be the goal of every  
19 person to minimize his or her production of wastes and to separate  
20 recyclable or hazardous materials from mixed waste.

21 (b) It is the responsibility of state, county, and city governments  
22 to provide for a waste management infrastructure to fully implement  
23 waste reduction and source separation strategies and to process and  
24 dispose of remaining wastes in a manner that is environmentally safe  
25 and economically sound. It is further the responsibility of state,  
26 county, and city governments to monitor the cost-effectiveness and  
27 environmental safety of combusting separated waste, processing mixed  
28 waste, and recycling programs.

29 (c) It is the responsibility of county and city governments to  
30 assume primary responsibility for solid waste management and to develop  
31 and implement aggressive and effective waste reduction and source  
32 separation strategies.

33 (d) It is the responsibility of state government to ensure that  
34 local governments are providing adequate source reduction and  
35 separation opportunities and incentives to all, including persons in  
36 both rural and urban areas, and nonresidential waste generators such as  
37 commercial, industrial, and institutional entities, recognizing the  
38 need to provide flexibility to accommodate differing population  
39 densities, distances to and availability of recycling markets, and

1 collection and disposal costs in each community; and to provide county  
2 and city governments with adequate technical resources to accomplish  
3 this responsibility.

4 (7) Environmental and economic considerations in solving the  
5 state's solid waste management problems requires strong consideration  
6 by local governments of regional solutions and intergovernmental  
7 cooperation.

8 (8) The following priorities for the collection, handling, and  
9 management of solid waste are necessary and should be followed in  
10 descending order as applicable:

11 (a) Waste reduction;

12 (b) Recycling, with source separation of recyclable materials as  
13 the preferred method;

14 (c) Energy recovery, incineration, or landfill of separated waste;

15 (d) Energy recovery, incineration, or landfiling of mixed wastes.

16 (9) It is the state's goal to achieve a fifty percent recycling  
17 rate by (~~(1995)~~) 2005.

18 (10) It is the state's goal that programs be established to  
19 eliminate residential or commercial yard debris in landfills by 2010.

20 (11) Steps should be taken to make recycling at least as affordable  
21 and convenient to the ratepayer as mixed waste disposal.

22 (~~(11)~~) (12) It is necessary to compile and maintain adequate data  
23 on the types and quantities of solid waste that are being generated and  
24 to monitor how the various types of solid waste are being managed.

25 (~~(12)~~) (13) Vehicle batteries should be recycled and the disposal  
26 of vehicle batteries into landfills or incinerators should be  
27 discontinued.

28 (~~(13)~~) (14) Excessive and nonrecyclable packaging of products  
29 should be avoided.

30 (~~(14)~~) (15) Comprehensive education should be conducted  
31 throughout the state so that people are informed of the need to reduce,  
32 source separate, and recycle solid waste.

33 (~~(15)~~) (16) All governmental entities in the state should set an  
34 example by implementing aggressive waste reduction and recycling  
35 programs at their workplaces and by purchasing products that are made  
36 from recycled materials and are recyclable.

37 (~~(16)~~) (17) To ensure the safe and efficient operations of solid  
38 waste disposal facilities, it is necessary for operators and regulators  
39 of landfills and incinerators to receive training and certification.

1       (~~(17)~~) (18) It is necessary to provide adequate funding to all  
2 levels of government so that successful waste reduction and recycling  
3 programs can be implemented.

4       (~~(18)~~) (19) The development of stable and expanding markets for  
5 recyclable materials is critical to the long-term success of the  
6 state's recycling goals. Market development must be encouraged on a  
7 state, regional, and national basis to maximize its effectiveness. The  
8 state shall assume primary responsibility for the development of a  
9 multifaceted market development program to carry out the purposes of  
10 this act.

11       (~~(19)~~) (20) There is an imperative need to anticipate, plan for,  
12 and accomplish effective storage, control, recovery, and recycling of  
13 discarded tires and other problem wastes with the subsequent  
14 conservation of resources and energy.

15       **Sec. 6.** RCW 70.95.030 and 1998 c 36 s 17 are each amended to read  
16 as follows:

17       As used in this chapter, unless the context indicates otherwise:

18       (1) "City" means every incorporated city and town.

19       (2) "Commission" means the utilities and transportation commission.

20       (3) "Committee" means the state solid waste advisory committee.

21       (4) "Composted material" means organic solid waste that has been  
22 subjected to controlled aerobic degradation at a solid waste facility  
23 in compliance with the requirements of this chapter. Natural decay of  
24 organic solid waste under uncontrolled conditions does not result in  
25 composted material.

26       (5) "Department" means the department of ecology.

27       (6) "Director" means the director of the department of ecology.

28       (7) "Disposal site" means the location where any final treatment,  
29 utilization, processing, or deposit of solid waste occurs.

30       (8) "Energy recovery" means a process operating under federal and  
31 state environmental laws and regulations for converting solid waste  
32 into usable energy and for reducing the volume of solid waste.

33       (9) "Functional standards" means criteria for solid waste handling  
34 expressed in terms of expected performance or solid waste handling  
35 functions.

36       (10) "Incineration" means a process of reducing the volume of solid  
37 waste operating under federal and state environmental laws and

1 regulations by use of an enclosed device using controlled flame  
2 combustion.

3 (11) "Jurisdictional health department" means city, county, city-  
4 county, or district public health department.

5 (12) "Landfill" means a disposal facility or part of a facility at  
6 which solid waste is placed in or on land and which is not a land  
7 treatment facility.

8 (13) "Local government" means a city, town, or county.

9 (14) "Modify" means to substantially change the design or  
10 operational plans including, but not limited to, removal of a design  
11 element previously set forth in a permit application or the addition of  
12 a disposal or processing activity that is not approved in the permit.

13 (15) "Multiple family residence" means any structure housing two or  
14 more dwelling units.

15 (16) "Person" means individual, firm, association, copartnership,  
16 political subdivision, government agency, municipality, industry,  
17 public or private corporation, or any other entity whatsoever.

18 (17) "Recyclable materials" means those solid wastes that are  
19 separated for recycling or reuse, such as papers, metals, and glass,  
20 that are identified as recyclable material pursuant to a local  
21 comprehensive solid waste plan. Prior to the adoption of the local  
22 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),  
23 local governments may identify recyclable materials by ordinance from  
24 July 23, 1989.

25 (18) "Recycling" means transforming or remanufacturing waste  
26 materials into usable or marketable materials for use other than  
27 landfill disposal or incineration.

28 (19) "Residence" means the regular dwelling place of an individual  
29 or individuals.

30 (20) "Sewage sludge" means a semisolid substance consisting of  
31 settled sewage solids combined with varying amounts of water and  
32 dissolved materials, generated from a wastewater treatment system, that  
33 does not meet the requirements of chapter 70.95J RCW.

34 (21) "Soil amendment" means any substance that is intended to  
35 improve the physical characteristics of the soil, except composted  
36 material, commercial fertilizers, agricultural liming agents,  
37 unmanipulated animal manures, unmanipulated vegetable manures, food  
38 wastes, food processing wastes, and materials exempted by rule of the

1 department, such as biosolids as defined in chapter 70.95J RCW and  
2 wastewater as regulated in chapter 90.48 RCW.

3 (22) "Solid waste" or "wastes" means all putrescible and  
4 nonputrescible solid and semisolid wastes including, but not limited  
5 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,  
6 demolition and construction wastes, abandoned vehicles or parts  
7 thereof, and recyclable materials.

8 (23) "Solid waste handling" means the management, storage,  
9 collection, transportation, treatment, utilization, processing, and  
10 final disposal of solid wastes, including the recovery and recycling of  
11 materials from solid wastes, the recovery of energy resources from  
12 solid wastes or the conversion of the energy in solid wastes to more  
13 useful forms or combinations thereof.

14 (24) "Source separation" means the separation of different kinds of  
15 solid waste at the place where the waste originates.

16 (25) "Vehicle" includes every device physically capable of being  
17 moved upon a public or private highway, road, street, or watercourse  
18 and in, upon, or by which any person or property is or may be  
19 transported or drawn upon a public or private highway, road, street, or  
20 watercourse, except devices moved by human or animal power or used  
21 exclusively upon stationary rails or tracks.

22 (26) "Waste-derived soil amendment" means any soil amendment as  
23 defined in this chapter that is derived from solid waste as defined in  
24 RCW 70.95.030, but does not include biosolids or biosolids products  
25 regulated under chapter 70.95J RCW or wastewaters regulated under  
26 chapter 90.48 RCW.

27 (27) "Waste reduction" means reducing the amount or toxicity of  
28 waste generated or reusing materials.

29 (28) "Yard debris" means plant material commonly created in the  
30 course of maintaining yards and gardens, and through horticulture,  
31 gardening, landscaping, or similar activities. Yard debris includes  
32 but is not limited to grass clippings, leaves, branches, brush, weeds,  
33 flowers, roots, windfall fruit, vegetable garden debris, holiday trees,  
34 and tree prunings four inches or less in diameter.

35 **Sec. 7.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to read  
36 as follows:

37 Each county and city comprehensive solid waste management plan  
38 shall include the following:



1 (1) A detailed inventory and description of all existing solid  
2 waste handling facilities including an inventory of any deficiencies in  
3 meeting current solid waste handling needs.

4 (2) The estimated long-range needs for solid waste handling  
5 facilities projected twenty years into the future.

6 (3) A program for the orderly development of solid waste handling  
7 facilities in a manner consistent with the plans for the entire county  
8 which shall:

9 (a) Meet the minimum functional standards for solid waste handling  
10 adopted by the department and all laws and regulations relating to air  
11 and water pollution, fire prevention, flood control, and protection of  
12 public health;

13 (b) Take into account the comprehensive land use plan of each  
14 jurisdiction;

15 (c) Contain a six year construction and capital acquisition program  
16 for solid waste handling facilities; and

17 (d) Contain a plan for financing both capital costs and operational  
18 expenditures of the proposed solid waste management system.

19 (4) A program for surveillance and control.

20 (5) A current inventory and description of solid waste collection  
21 needs and operations within each respective jurisdiction which shall  
22 include:

23 (a) Any franchise for solid waste collection granted by the  
24 utilities and transportation commission in the respective jurisdictions  
25 including the name of the holder of the franchise and the address of  
26 his or her place of business and the area covered by the franchise;

27 (b) Any city solid waste operation within the county and the  
28 boundaries of such operation;

29 (c) The population density of each area serviced by a city  
30 operation or by a franchised operation within the respective  
31 jurisdictions;

32 (d) The projected solid waste collection needs for the respective  
33 jurisdictions for the next six years.

34 (6) A comprehensive waste reduction and recycling element that, in  
35 accordance with the priorities established in RCW 70.95.010, provides  
36 programs that (a) reduce the amount of waste generated, (b) provide  
37 incentives and mechanisms for source separation, and (c) establish  
38 recycling opportunities for the source separated waste.

1 (7) The waste reduction and recycling element shall include the  
2 following:

3 (a) Waste reduction strategies;

4 (b) Source separation strategies, including:

5 (i) Programs for the collection of source separated materials from  
6 residences in urban and rural areas. In urban areas, these programs  
7 shall include collection of source separated recyclable materials from  
8 single and multiple family residences, unless the department approves  
9 an alternative program, according to the criteria in the planning  
10 guidelines. Such criteria shall include: Anticipated recovery rates  
11 and levels of public participation, availability of environmentally  
12 sound disposal capacity, access to markets for recyclable materials,  
13 unreasonable cost impacts on the ratepayer over the six-year planning  
14 period, utilization of environmentally sound waste reduction and  
15 recycling technologies, and other factors as appropriate. In rural  
16 areas, these programs shall include but not be limited to drop-off  
17 boxes, buy-back centers, or a combination of both, at each solid waste  
18 transfer, processing, or disposal site, or at locations convenient to  
19 the residents of the county. The drop-off boxes and buy-back centers  
20 may be owned or operated by public, nonprofit, or private persons;

21 (ii) Programs to monitor the collection of source separated waste  
22 at nonresidential sites where there is sufficient density to sustain a  
23 program;

24 (iii) Programs to collect yard waste, if the county or city  
25 submitting the plan finds that there are adequate markets or capacity  
26 for composted yard waste within or near the service area to consume the  
27 majority of the material collected; and

28 (iv) Programs to educate and promote the concepts of waste  
29 reduction and recycling;

30 (c) Recycling strategies, including a description of markets for  
31 recyclables, a review of waste generation trends, a description of  
32 waste composition, a discussion and description of existing programs  
33 and any additional programs needed to assist public and private sector  
34 recycling, and an implementation schedule for the designation of  
35 specific materials to be collected for recycling, and for the provision  
36 of recycling collection services;

37 (d) Consideration of residential collection rate structures that  
38 provide economic incentives for customers to reduce their level of  
39 solid waste collection service and increase their participation in

1 waste reduction, recycling, and yard waste collection programs. Any  
2 jurisdiction that is a signatory to a comprehensive solid waste plan  
3 that adopts residential incentive rates shall adopt ordinances to  
4 implement rate structures that are consistent with the guidelines in  
5 the comprehensive plans. The utilities and transportation commission  
6 is authorized to issue rules to implement this section for solid waste  
7 companies regulated under Title 81 RCW; and

8 (e) Other information the county or city submitting the plan  
9 determines is necessary.

10 (8) An assessment of the plan's impact on the costs of solid waste  
11 collection. The assessment shall be prepared in conformance with  
12 guidelines established by the utilities and transportation commission.  
13 The commission shall cooperate with the Washington state association of  
14 counties and the association of Washington cities in establishing such  
15 guidelines.

16 (9) A review of potential areas that meet the criteria as outlined  
17 in RCW 70.95.165.

18 **Sec. 8.** RCW 70.95.290 and 1988 c 184 s 3 are each amended to read  
19 as follows:

20 (1) The evaluation of the solid waste stream required in RCW  
21 70.95.280 shall include the following elements:

22 (a) The department shall determine which management method for each  
23 category of solid waste will have the least environmental impact; and

24 (b) The department shall evaluate the costs of various management  
25 options for each category of solid waste, including a review of market  
26 availability, and shall take into consideration the economic impact on  
27 affected parties;

28 (c) Based on the results of (a) and (b) of this subsection, the  
29 department shall determine the best management for each category of  
30 solid waste. Different management methods for the same categories of  
31 waste may be developed for different parts of the state.

32 (2) The department shall give priority to evaluating categories of  
33 solid waste that, in relation to other categories of solid waste,  
34 comprise a large volume of the solid waste stream or present a high  
35 potential of harm to human health. At a minimum the following  
36 categories of waste shall be evaluated:

37 (a) By January 1, 1989, yard waste and other biodegradable  
38 materials, paper products, disposable diapers, and batteries; ((and))

1 (b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid  
2 lightweight cellular polystyrene, and tires; and

3 (c) By January 1, 2002, construction, demolition, and land-clearing  
4 debris, manure, and major food-processing wastes.

5 **Sec. 9.** RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to  
6 read as follows:

7 The director of general administration shall establish overall  
8 state policy for compliance by all state agencies, including  
9 educational institutions, regarding the following purchasing and  
10 material control functions:

11 (1) Development of a state commodity coding system, including  
12 common stock numbers for items maintained in stores for reissue;

13 (2) Determination where consolidations, closures, or additions of  
14 stores operated by state agencies and educational institutions should  
15 be initiated;

16 (3) Institution of standard criteria for determination of when and  
17 where an item in the state supply system should be stocked;

18 (4) Establishment of stock levels to be maintained in state stores,  
19 and formulation of standards for replenishment of stock;

20 (5) Formulation of an overall distribution and redistribution  
21 system for stock items which establishes sources of supply support for  
22 all agencies, including interagency supply support;

23 (6) Determination of what function data processing equipment,  
24 including remote terminals, shall perform in state-wide purchasing and  
25 material control for improvement of service and promotion of economy;

26 (7) Standardization of records and forms used state-wide for supply  
27 system activities involving purchasing, receiving, inspecting, storing,  
28 requisitioning, and issuing functions, including a standard  
29 notification form for state agencies to report cost-effective direct  
30 purchases, which shall at least identify the price of the goods as  
31 available through the division of purchasing, the price of the goods as  
32 available from the alternative source, the total savings, and the  
33 signature of the notifying agency's director or the director's  
34 designee;

35 (8) Screening of supplies, material, and equipment excess to the  
36 requirements of one agency for overall state need before sale as  
37 surplus;

- 1 (9) Establishment of warehouse operation and storage standards to  
2 achieve uniform, effective, and economical stores operations;
- 3 (10) Establishment of time limit standards for the issuing of  
4 material in store and for processing requisitions requiring purchase;
- 5 (11) Formulation of criteria for determining when centralized  
6 rather than decentralized purchasing shall be used to obtain maximum  
7 benefit of volume buying of identical or similar items, including  
8 procurement from federal supply sources;
- 9 (12) Development of criteria for use of leased, rather than state  
10 owned, warehouse space based on relative cost and accessibility;
- 11 (13) Institution of standard criteria for purchase and placement of  
12 state furnished materials, carpeting, furniture, fixtures, and nonfixed  
13 equipment, in newly constructed or renovated state buildings;
- 14 (14) Determination of how transportation costs incurred by the  
15 state for materials, supplies, services, and equipment can be reduced  
16 by improved freight and traffic coordination and control;
- 17 (15) Establishment of a formal certification program for state  
18 employees who are authorized to perform purchasing functions as agents  
19 for the state under the provisions of chapter 43.19 RCW;
- 20 (16) Development of performance measures for the reduction of total  
21 overall expense for material, supplies, equipment, and services used  
22 each biennium by the state;
- 23 (17) Establishment of a standard system for all state organizations  
24 to record and report dollar savings and cost avoidance which are  
25 attributable to the establishment and implementation of improved  
26 purchasing and material control procedures;
- 27 (18) Development of procedures for mutual and voluntary cooperation  
28 between state agencies, including educational institutions, and  
29 political subdivisions for exchange of purchasing and material control  
30 services;
- 31 (19) Resolution of all other purchasing and material matters which  
32 require the establishment of overall state-wide policy for effective  
33 and economical supply management;
- 34 (20) Development of guidelines and criteria for the purchase of  
35 vehicles, alternate vehicle fuels and systems, equipment, and materials  
36 that reduce overall energy-related costs and energy use by the state,  
37 including the requirement that new passenger vehicles purchased by the  
38 state meet the minimum standards for passenger automobile fuel economy



1 established by the United States secretary of transportation pursuant  
2 to the energy policy and conservation act (15 U.S.C. Sec. 2002);  
3 (21) Development of goals for state use of recycled and  
4 environmentally preferable products through specifications for products  
5 and services, processes for requests for proposals and requests for  
6 qualifications, contractor selection, and contract negotiations."

7 Correct the title.

--- END ---

# HOUSE BILL REPORT

## ESSB 6715

---

---

**As Reported By House Committee On:**  
Agriculture & Ecology

**Title:** An act relating to recycling and waste reduction.

**Brief Description:** Encouraging recycling and waste reduction.

**Sponsors:** Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Eide, Swecker, Fraser, Costa, Rasmussen, Morton, Patterson, Kline, Jacobsen and Kohl-Welles).

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 2/22/00, 2/25/00 [DPA].

**Brief Summary of Engrossed Substitute Bill**  
**(As Amended by House Committee)**

- Provides incentives for solid waste collection companies to increase recycling.
- Encourages the elimination of yard debris in landfills.
- Encourages the management of construction job waste.

---

### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass as amended. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

**Staff:** Carol (786-7114).

**Background:**

The Legislature adopted the Waste Not Washington Act in 1989 (ESHB 1671). The top priorities in the act were established as waste reduction and recycling of source-

separated materials. The law also set a goal of recycling 50 percent of the municipal solid waste stream by 1995. The recycling rate reached a high of 39 percent in 1996, but dropped to 32.4 percent the following year.

The Recycling Assessment Panel was convened by the Department of Ecology in September 1999 to assess the reasons for the drop in recycling, and to examine and recommend ways to increase recycling. The panel included members of the Legislature, citizens, and representatives of local government, recyclers, and the Department of Ecology. The panel provided recommendations in a report to the Legislature in December 1999. Among the report's findings was an estimate that 40 percent of the municipal solid waste stream on a national basis is made up of building-related construction and demolition debris.

The Utilities and Transportation Commission (UTC) sets rates for solid waste collection companies. These rates cover all costs of service and a guaranteed rate of return. Currently, 100 percent of the proceeds from the sale of recycled materials is passed back to the residential customers served by the company.

---

### **Summary of Amended Bill:**

The Department of General Administration is directed to work with the construction industry in developing guidelines for job-site waste management planning.

Recycled content product standards are expanded to include building products and materials and strawboard, that has as an ingredient, straw that is the by-product of cereal grain, turf, or grass seed production.

If a construction project receives state funding, any recycled content products used in the project must adhere to the state's product standards.

The UTC is required to authorize residential solid waste collection companies to retain 30 percent of the revenues from the sale of recycled materials. This incentive only applies when the solid waste collection companies submit a plan to the UTC that demonstrates how the revenues will be used to increase recycling. Additional accountability measures are provided to ensure that the additional revenues received by the collection companies are being used to increase recycling: a company must provide a yearly report showing that the company's plan has been successful at increasing recycling as demonstrated by actual recycling tonnage increases, or decreases in landfill disposal, or some other measure agreed to by the local jurisdiction. A termination date for this section of December 31, 2006 is provided.

The deadline for meeting the state's 50 percent recycling goal is extended to 2005, and a new goal is provided of establishing programs to eliminate yard debris in landfills by 2010. Yard debris is defined.

Local governments are authorized to establish residential collection rate structures that provide economic incentives for waste reduction and increased recycling rates. If adopted in a solid waste comprehensive plan, local governments must also adopt ordinances to implement the rate structures, and the UTC may issue rules to implement this section.

The evaluation of the solid waste stream is expanded to include construction, demolition, and land clearing debris, and major organics.

The department of general administration is required to develop goals for the use by the state of recycled and environmentally preferred products.

**Amended Bill Compared to Engrossed Substitute Bill:** The section directing the Department of General Administration to work with construction industry organizations to develop guidelines for on-site construction waste management planning is clarified to apply to commercial and industrial construction, and not residential construction. Direction is provided to include in the guidelines a training and technical assistance plan for building owners and construction industry members that facilitates incorporation of waste management planning and recycling in to standard construction industry practice.

The section providing a financial incentive to solid waste collection companies is modified to allow these companies to retain 30 percent of the revenue from the sale of recycled materials, rather than "up to " 30 percent. Additional accountability measures are provided to ensure that the additional revenues received by the collection companies are being used to increase recycling: in addition to a plan that is consistent (certification is not required) with the solid waste plan, a company must also provide a yearly report showing that the plan has been successful at increasing recycling as demonstrated by actual recycling tonnage increases, or decreases in landfill disposal, or some other measure agreed to by the local jurisdiction. A termination date for this section of December 31, 2006 is added.

The Department of General Administration is required to develop recycled content standards for strawboard that has, as an ingredient, straw that is the byproduct of cereal, grain, turf, or grass seed production.

Existing state law is amended to require that if a construction project receives public funding, the state's recycled content standards must apply to the materials used in the project, whenever such products are cost effective and readily available.

In the intent section, the goal concerning elimination of yard debris is modified to say that programs should be established to eliminate residential or commercial yard debris in landfills by 2010.

The Department of General Administration is required to develop goals for use by the state of recycled and environmentally preferred products.

Several provisions have been removed:

- (1) the encouragement of information sharing in regard to product stewardship and the definition of product stewardship;
- (2) penalties for failure to file an annual report with the Department of Ecology on the amount of recycled material collected by entities;
- (3) the prohibition on rule development by the Department of Ecology regarding the development of best management practices for reducing the environmental impact of certain categories of solid waste; and
- (4) "biosolids" are removed from the list of additional categories of solid waste that must be evaluated.

---

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** UTC should be directed to allow recycling incentive rates. Community Trade and Economic Development should put more resources into marketing recycled content products with an emphasis on reverse logistics. The ban on yard waste and the penalties for failure to report are important parts of the bill. A provision should be added for collaborative, non-mandatory product stewardship. Requiring job-site recycling for state-funded construction projects should be supported by standardized forms and training.

**Testimony Against:** None.

**Testified:** Senator Eide, prime sponsor; Senator Swecker; Jeff Kelley-Clarke, State Solid Waste Advisory Committee; Janet Nazy, Washington State Recycling Association; Pete Grogan, Weyerhaeuser; Penny Mabie, city of Olympia; Jenny Bagby, Seattle Public Utilities; Jim Sells, Washington Refuse and Recycling Association; Willy O'Neil, Associated General Contractors.

# House Bill 1907

Fifty-Seventh Washington Legislature, First Session (2001)



WASHINGTON STATE LEGISLATURE  
**Detailed Legislative Reports** - *Bill Summary*  
 DLR Home | Legislature Home | Senate | House of Representatives | Basic Search | Register | Log In

Home | Bill History | Bill Tracking | Docs | Bill Sponsors | Roll Calls | BI/OC | Topical Index | Selected Step  
 Biennium 2001-02

List documents before history  
 Open documents in a new window

Bill Number

**HB 1907** Encouraging recycling and waste reduction.

Go to documents...

**HISTORY OF BILL: HB 1907**  
**Monday, December 27, 2010 11:37 AM**

Print Version

Sponsors: Representatives [Linville](#), [Barlean](#), [Hunt](#), [Kirby](#), [Mielke](#), [Jackley](#), [Romero](#), [Morris](#), [Dunshee](#), [Delvin](#), [Anderson](#), [Keiser](#), [Lovick](#), [Ruderman](#), [Ogden](#), [O'Brien](#), [Kagi](#), [Edmonds](#), [Wood](#), [McDermott](#), [Santos](#), [Kessler](#), [Simpson](#), [Kenney](#), [Schual-Berke](#)

**2001 REGULAR SESSION**

- Feb 8 First reading, referred to Agriculture & Ecology. ([View Original Bill](#))
- Feb 26 AGECE - Executive action taken by committee.  
**AGECE - Majority; 1st substitute bill be substituted, do pass.** ([View 1st Substitute](#))
- Feb 27 Referred to Appropriations.

**2001 1ST SPECIAL SESSION**

- Apr 25 By resolution, reintroduced and retained in present status.

**2002 REGULAR SESSION**

- Jan 14 By resolution, reintroduced and retained in present status.

Go to history...

**Available Documents**

For a complete list of documents, go to Detailed Legislative Reports [Text of a Legislative Document](#)

Bill Documents	Bill Digests	Bill Reports
Original Bill	Bill Digest	House Bill Analysis
Substitute Bill (AGECE 01)	Substitute Bill Digest	House Bill Report

Fiscal Note (Not Available)

---

**SUBSTITUTE HOUSE BILL 1907**

---

**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** House Committee on Agriculture & Ecology (originally sponsored by Representatives Linville, Barlean, Hunt, Kirby, Mielke, Jackley, Romero, Morris, Dunshee, Delvin, Anderson, Keiser, Lovick, Ruderman, Ogden, O'Brien, Kagi, Edmonds, Wood, McDermott, Santos, Kessler, Simpson, Kenney and Schual-Berke)

Read first time 02/26/2001. Referred to Committee on .

1 AN ACT Relating to recycling and waste reduction; amending RCW  
2 43.19A.020, 39.04.133, 70.95.010, 70.95.030, 70.95.090, 70.95.290, and  
3 43.19.1905; adding a new section to chapter 81.77 RCW; creating a new  
4 section; providing an effective date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The department of general administration  
7 shall work with commercial and industrial construction industry  
8 organizations to develop guidelines for implementing on-site  
9 construction waste management planning. The topics addressed in the  
10 guidelines shall include, but shall not be limited to:

11 (a) Standards for identifying the type of wastes generated during  
12 construction;

13 (b) Methods for analyzing the availability and cost-effectiveness  
14 of recycling services for each type of waste;

15 (c) Methods for evaluating construction waste management  
16 alternatives given limited recycling services in rural areas of the  
17 state;

18 (d) Strategies to maximize reuse and recycling of wastes and  
19 minimize landfill disposal;

1 (e) Standardized formats for on-site construction waste management  
2 planning and reporting documents; and

3 (f) A training and technical assistance plan for public and private  
4 building owners and construction industry members, in order to  
5 facilitate incorporation of waste management planning and recycling  
6 into standard construction industry practice.

7 (2) By December 15, 2001, the department of general administration  
8 shall provide a report to the legislature on the development of the  
9 guidelines required by subsection (1) of this section. The report  
10 shall include recommendations for incorporating job-site waste  
11 management planning and recycling into standard construction industry  
12 practice.

13 **Sec. 2.** RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read  
14 as follows:

15 (1) The ~~((USEPA))~~ federal product standards, ~~((as now or hereafter~~  
16 ~~amended))~~ adopted under 42 U.S.C. Sec. 6962(e) as it exists on the  
17 effective date of this act, are adopted as the minimum standards for  
18 the state of Washington. These standards shall be implemented for at  
19 least the products listed in ~~((a) and (b) of))~~ this subsection ~~((by~~  
20 ~~the dates indicated))~~, unless the director finds that a different  
21 standard would significantly increase recycled product availability or  
22 competition.

- 23 (a) ~~((By July 1, 1997:~~  
24 ~~(i))~~) Paper and paper products;  
25 ~~((ii))~~) (b) Organic recovered materials; ~~((and~~  
26 ~~(iii))~~) (c) Latex paint products;  
27 ~~((b) By July 1, 1997:~~  
28 ~~(i))~~) (d) Products for lower value uses containing recycled  
29 plastics;  
30 ~~((ii))~~) (e) Retread and remanufactured tires;  
31 ~~((iii))~~) (f) Lubricating oils;  
32 ~~((iv))~~) (g) Automotive batteries;  
33 ~~((v))~~) (h) Building ~~((insulation))~~ products and materials;  
34 ~~((vi))~~) (i) Panelboard; and  
35 ~~((vii))~~) (j) Compost products.

36 (2) By July 1, 2001, the director shall adopt product standards for  
37 strawboard manufactured using as an ingredient straw that is produced

1 as a byproduct in the production of cereal grain or turf or grass seed  
2 and product standards for products made from strawboard.

3 (3) The standards required by this section shall be applied to  
4 recycled product purchasing by the department ~~((and))~~, other state  
5 agencies, and state postsecondary educational institutions. The  
6 standards may be adopted or applied by any other local government in  
7 product procurement. The standards shall provide for exceptions under  
8 appropriate circumstances to allow purchases of recycled products that  
9 do not meet the minimum content requirements of the standards.

10 **Sec. 3.** RCW 39.04.133 and 1996 c 198 s 5 are each amended to read  
11 as follows:

12 (1) The state's preferences for the purchase and use of recycled  
13 content products shall be included as a factor in the design and  
14 development of state capital improvement projects.

15 ~~(2) ((Specifications for materials in state construction projects~~  
16 ~~shall include the use of recycled content products and recyclable~~  
17 ~~products whenever practicable))~~ If a construction project receives  
18 state public funding, the product standards, as provided in RCW  
19 43.19A.020, shall apply to the materials used in the project, whenever  
20 the administering agency and project owner determine that such products  
21 would be cost-effective and are readily available.

22 (3) This section does not apply to contracts entered into by a  
23 municipality.

24 **Sec. 4.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read  
25 as follows:

26 The legislature finds:

27 (1) Continuing technological changes in methods of manufacture,  
28 packaging, and marketing of consumer products, together with the  
29 economic and population growth of this state, the rising affluence of  
30 its citizens, and its expanding industrial activity have created new  
31 and ever-mounting problems involving disposal of garbage, refuse, and  
32 solid waste materials resulting from domestic, agricultural, and  
33 industrial activities.

34 (2) Traditional methods of disposing of solid wastes in this state  
35 are no longer adequate to meet the ever-increasing problem. Improper  
36 methods and practices of handling and disposal of solid wastes pollute

1 our land, air and water resources, blight our countryside, adversely  
2 affect land values, and damage the overall quality of our environment.

3 (3) Considerations of natural resource limitations, energy  
4 shortages, economics and the environment make necessary the development  
5 and implementation of solid waste recovery and/or recycling plans and  
6 programs.

7 (4) Waste reduction must become a fundamental strategy of solid  
8 waste management. It is therefore necessary to change manufacturing  
9 and purchasing practices and waste generation behaviors to reduce the  
10 amount of waste that becomes a governmental responsibility.

11 (5) Source separation of waste must become a fundamental strategy  
12 of solid waste management. Collection and handling strategies should  
13 have, as an ultimate goal, the source separation of all materials with  
14 resource value or environmental hazard.

15 (6)(a) It (~~is the responsibility~~) should be the goal of every  
16 person to minimize his or her production of wastes and to separate  
17 recyclable or hazardous materials from mixed waste.

18 (b) It is the responsibility of state, county, and city governments  
19 to provide for a waste management infrastructure to fully implement  
20 waste reduction and source separation strategies and to process and  
21 dispose of remaining wastes in a manner that is environmentally safe  
22 and economically sound. It is further the responsibility of state,  
23 county, and city governments to monitor the cost-effectiveness and  
24 environmental safety of combusting separated waste, processing mixed  
25 waste, and recycling programs.

26 (c) It is the responsibility of county and city governments to  
27 assume primary responsibility for solid waste management and to develop  
28 and implement aggressive and effective waste reduction and source  
29 separation strategies.

30 (d) It is the responsibility of state government to ensure that  
31 local governments are providing adequate source reduction and  
32 separation opportunities and incentives to all, including persons in  
33 both rural and urban areas, and nonresidential waste generators such as  
34 commercial, industrial, and institutional entities, recognizing the  
35 need to provide flexibility to accommodate differing population  
36 densities, distances to and availability of recycling markets, and  
37 collection and disposal costs in each community; and to provide county  
38 and city governments with adequate technical resources to accomplish  
39 this responsibility.

1 (7) Environmental and economic considerations in solving the  
2 state's solid waste management problems requires strong consideration  
3 by local governments of regional solutions and intergovernmental  
4 cooperation.

5 (8) The following priorities for the collection, handling, and  
6 management of solid waste are necessary and should be followed in  
7 descending order as applicable:

8 (a) Waste reduction;

9 (b) Recycling, with source separation of recyclable materials as  
10 the preferred method;

11 (c) Energy recovery, incineration, or landfill of separated waste;

12 (d) Energy recovery, incineration, or landfilling of mixed wastes.

13 (9) It is the state's goal to achieve a fifty percent recycling  
14 rate by ~~((1995))~~ 2006.

15 (10) It is the state's goal that programs be established to  
16 eliminate residential or commercial yard debris in landfills by 2011 in  
17 those areas where alternatives to disposal are readily available and  
18 effective.

19 (11) Steps should be taken to make recycling at least as affordable  
20 and convenient to the ratepayer as mixed waste disposal.

21 ~~((11))~~ (12) It is necessary to compile and maintain adequate data  
22 on the types and quantities of solid waste that are being generated and  
23 to monitor how the various types of solid waste are being managed.

24 ~~((12))~~ (13) Vehicle batteries should be recycled and the disposal  
25 of vehicle batteries into landfills or incinerators should be  
26 discontinued.

27 ~~((13))~~ (14) Excessive and nonrecyclable packaging of products  
28 should be avoided.

29 ~~((14))~~ (15) Comprehensive education should be conducted  
30 throughout the state so that people are informed of the need to reduce,  
31 source separate, and recycle solid waste.

32 ~~((15))~~ (16) All governmental entities in the state should set an  
33 example by implementing aggressive waste reduction and recycling  
34 programs at their workplaces and by purchasing products that are made  
35 from recycled materials and are recyclable.

36 ~~((16))~~ (17) To ensure the safe and efficient operations of solid  
37 waste disposal facilities, it is necessary for operators and regulators  
38 of landfills and incinerators to receive training and certification.



1       (~~(17)~~) (18) It is necessary to provide adequate funding to all  
2 levels of government so that successful waste reduction and recycling  
3 programs can be implemented.

4       (~~(18)~~) (19) The development of stable and expanding markets for  
5 recyclable materials is critical to the long-term success of the  
6 state's recycling goals. Market development must be encouraged on a  
7 state, regional, and national basis to maximize its effectiveness. The  
8 state shall assume primary responsibility for the development of a  
9 multifaceted market development program to carry out the purposes of  
10 this act.

11       (~~(19)~~) (20) There is an imperative need to anticipate, plan for,  
12 and accomplish effective storage, control, recovery, and recycling of  
13 discarded tires and other problem wastes with the subsequent  
14 conservation of resources and energy.

15       **Sec. 5.** RCW 70.95.030 and 1998 c 36 s 17 are each amended to read  
16 as follows:

17       As used in this chapter, unless the context indicates otherwise:

18       (1) "City" means every incorporated city and town.

19       (2) "Commission" means the utilities and transportation commission.

20       (3) "Committee" means the state solid waste advisory committee.

21       (4) "Composted material" means organic solid waste that has been  
22 subjected to controlled aerobic degradation at a solid waste facility  
23 in compliance with the requirements of this chapter. Natural decay of  
24 organic solid waste under uncontrolled conditions does not result in  
25 composted material.

26       (5) "Department" means the department of ecology.

27       (6) "Director" means the director of the department of ecology.

28       (7) "Disposal site" means the location where any final treatment,  
29 utilization, processing, or deposit of solid waste occurs.

30       (8) "Energy recovery" means a process operating under federal and  
31 state environmental laws and regulations for converting solid waste  
32 into usable energy and for reducing the volume of solid waste.

33       (9) "Functional standards" means criteria for solid waste handling  
34 expressed in terms of expected performance or solid waste handling  
35 functions.

36       (10) "Incineration" means a process of reducing the volume of solid  
37 waste operating under federal and state environmental laws and

**PAGE 101**

1 regulations by use of an enclosed device using controlled flame  
2 combustion.

3 (11) "Jurisdictional health department" means city, county, city-  
4 county, or district public health department.

5 (12) "Landfill" means a disposal facility or part of a facility at  
6 which solid waste is placed in or on land and which is not a land  
7 treatment facility.

8 (13) "Local government" means a city, town, or county.

9 (14) "Modify" means to substantially change the design or  
10 operational plans including, but not limited to, removal of a design  
11 element previously set forth in a permit application or the addition of  
12 a disposal or processing activity that is not approved in the permit.

13 (15) "Multiple family residence" means any structure housing two or  
14 more dwelling units.

15 (16) "Person" means individual, firm, association, copartnership,  
16 political subdivision, government agency, municipality, industry,  
17 public or private corporation, or any other entity whatsoever.

18 (17) "Recyclable materials" means those solid wastes that are  
19 separated for recycling or reuse, such as papers, metals, and glass,  
20 that are identified as recyclable material pursuant to a local  
21 comprehensive solid waste plan. Prior to the adoption of the local  
22 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),  
23 local governments may identify recyclable materials by ordinance from  
24 July 23, 1989.

25 (18) "Recycling" means transforming or remanufacturing waste  
26 materials into usable or marketable materials for use other than  
27 landfill disposal or incineration.

28 (19) "Residence" means the regular dwelling place of an individual  
29 or individuals.

30 (20) "Sewage sludge" means a semisolid substance consisting of  
31 settled sewage solids combined with varying amounts of water and  
32 dissolved materials, generated from a wastewater treatment system, that  
33 does not meet the requirements of chapter 70.95J RCW.

34 (21) "Soil amendment" means any substance that is intended to  
35 improve the physical characteristics of the soil, except composted  
36 material, commercial fertilizers, agricultural liming agents,  
37 unmanipulated animal manures, unmanipulated vegetable manures, food  
38 wastes, food processing wastes, and materials exempted by rule of the

1 department, such as biosolids as defined in chapter 70.95J RCW and  
2 wastewater as regulated in chapter 90.48 RCW.

3 (22) "Solid waste" or "wastes" means all putrescible and  
4 nonputrescible solid and semisolid wastes including, but not limited  
5 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,  
6 demolition and construction wastes, abandoned vehicles or parts  
7 thereof, and recyclable materials.

8 (23) "Solid waste handling" means the management, storage,  
9 collection, transportation, treatment, utilization, processing, and  
10 final disposal of solid wastes, including the recovery and recycling of  
11 materials from solid wastes, the recovery of energy resources from  
12 solid wastes or the conversion of the energy in solid wastes to more  
13 useful forms or combinations thereof.

14 (24) "Source separation" means the separation of different kinds of  
15 solid waste at the place where the waste originates.

16 (25) "Vehicle" includes every device physically capable of being  
17 moved upon a public or private highway, road, street, or watercourse  
18 and in, upon, or by which any person or property is or may be  
19 transported or drawn upon a public or private highway, road, street, or  
20 watercourse, except devices moved by human or animal power or used  
21 exclusively upon stationary rails or tracks.

22 (26) "Waste-derived soil amendment" means any soil amendment as  
23 defined in this chapter that is derived from solid waste as defined in  
24 RCW 70.95.030, but does not include biosolids or biosolids products  
25 regulated under chapter 70.95J RCW or wastewaters regulated under  
26 chapter 90.48 RCW.

27 (27) "Waste reduction" means reducing the amount or toxicity of  
28 waste generated or reusing materials.

29 (28) "Yard debris" means plant material commonly created in the  
30 course of maintaining yards and gardens, and through horticulture,  
31 gardening, landscaping, or similar activities. Yard debris includes  
32 but is not limited to grass clippings, leaves, branches, brush, weeds,  
33 flowers, roots, windfall fruit, vegetable garden debris, holiday trees,  
34 and tree prunings four inches or less in diameter.

35 **Sec. 6.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to read  
36 as follows:

37 Each county and city comprehensive solid waste management plan  
38 shall include the following:

PAGE 103

1 (1) A detailed inventory and description of all existing solid  
2 waste handling facilities including an inventory of any deficiencies in  
3 meeting current solid waste handling needs.

4 (2) The estimated long-range needs for solid waste handling  
5 facilities projected twenty years into the future.

6 (3) A program for the orderly development of solid waste handling  
7 facilities in a manner consistent with the plans for the entire county  
8 which shall:

9 (a) Meet the minimum functional standards for solid waste handling  
10 adopted by the department and all laws and regulations relating to air  
11 and water pollution, fire prevention, flood control, and protection of  
12 public health;

13 (b) Take into account the comprehensive land use plan of each  
14 jurisdiction;

15 (c) Contain a six year construction and capital acquisition program  
16 for solid waste handling facilities; and

17 (d) Contain a plan for financing both capital costs and operational  
18 expenditures of the proposed solid waste management system.

19 (4) A program for surveillance and control.

20 (5) A current inventory and description of solid waste collection  
21 needs and operations within each respective jurisdiction which shall  
22 include:

23 (a) Any franchise for solid waste collection granted by the  
24 utilities and transportation commission in the respective jurisdictions  
25 including the name of the holder of the franchise and the address of  
26 his or her place of business and the area covered by the franchise;

27 (b) Any city solid waste operation within the county and the  
28 boundaries of such operation;

29 (c) The population density of each area serviced by a city  
30 operation or by a franchised operation within the respective  
31 jurisdictions;

32 (d) The projected solid waste collection needs for the respective  
33 jurisdictions for the next six years.

34 (6) A comprehensive waste reduction and recycling element that, in  
35 accordance with the priorities established in RCW 70.95.010, provides  
36 programs that (a) reduce the amount of waste generated, (b) provide  
37 incentives and mechanisms for source separation, and (c) establish  
38 recycling opportunities for the source separated waste.

1 (7) The waste reduction and recycling element shall include the  
2 following:

3 (a) Waste reduction strategies;

4 (b) Source separation strategies, including:

5 (i) Programs for the collection of source separated materials from  
6 residences in urban and rural areas. In urban areas, these programs  
7 shall include collection of source separated recyclable materials from  
8 single and multiple family residences, unless the department approves  
9 an alternative program, according to the criteria in the planning  
10 guidelines. Such criteria shall include: Anticipated recovery rates  
11 and levels of public participation, availability of environmentally  
12 sound disposal capacity, access to markets for recyclable materials,  
13 unreasonable cost impacts on the ratepayer over the six-year planning  
14 period, utilization of environmentally sound waste reduction and  
15 recycling technologies, and other factors as appropriate. In rural  
16 areas, these programs shall include but not be limited to drop-off  
17 boxes, buy-back centers, or a combination of both, at each solid waste  
18 transfer, processing, or disposal site, or at locations convenient to  
19 the residents of the county. The drop-off boxes and buy-back centers  
20 may be owned or operated by public, nonprofit, or private persons;

21 (ii) Programs to monitor the collection of source separated waste  
22 at nonresidential sites where there is sufficient density to sustain a  
23 program;

24 (iii) Programs to collect yard waste, if the county or city  
25 submitting the plan finds that there are adequate markets or capacity  
26 for composted yard waste within or near the service area to consume the  
27 majority of the material collected; and

28 (iv) Programs to educate and promote the concepts of waste  
29 reduction and recycling;

30 (c) Recycling strategies, including a description of markets for  
31 recyclables, a review of waste generation trends, a description of  
32 waste composition, a discussion and description of existing programs  
33 and any additional programs needed to assist public and private sector  
34 recycling, and an implementation schedule for the designation of  
35 specific materials to be collected for recycling, and for the provision  
36 of recycling collection services; and

37 (d) Other information the county or city submitting the plan  
38 determines is necessary.

PAGE 105

1 (8) An assessment of the plan's impact on the costs of solid waste  
2 collection. The assessment shall be prepared in conformance with  
3 guidelines established by the utilities and transportation commission.  
4 The commission shall cooperate with the Washington state association of  
5 counties and the association of Washington cities in establishing such  
6 guidelines.

7 (9) A review of potential areas that meet the criteria as outlined  
8 in RCW 70.95.165.

9 **Sec. 7.** RCW 70.95.290 and 1988 c 184 s 3 are each amended to read  
10 as follows:

11 (1) The evaluation of the solid waste stream required in RCW  
12 70.95.280 shall include the following elements:

13 (a) The department shall determine which management method for each  
14 category of solid waste will have the least environmental impact; and

15 (b) The department shall evaluate the costs of various management  
16 options for each category of solid waste, including a review of market  
17 availability, and shall take into consideration the economic impact on  
18 affected parties;

19 (c) Based on the results of (a) and (b) of this subsection, the  
20 department shall determine the best management for each category of  
21 solid waste. Different management methods for the same categories of  
22 waste may be developed for different parts of the state.

23 (2) The department shall give priority to evaluating categories of  
24 solid waste that, in relation to other categories of solid waste,  
25 comprise a large volume of the solid waste stream or present a high  
26 potential of harm to human health. At a minimum the following  
27 categories of waste shall be evaluated:

28 (a) By January 1, 1989, yard waste and other biodegradable  
29 materials, paper products, disposable diapers, and batteries; ~~((and))~~

30 (b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid  
31 lightweight cellular polystyrene, and tires; and

32 (c) By January 1, 2003, construction, demolition, and land-clearing  
33 debris and food wastes.

34 **Sec. 8.** RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to  
35 read as follows:

36 The director of general administration shall establish overall  
37 state policy for compliance by all state agencies, including



1 educational institutions, regarding the following purchasing and  
2 material control functions:

3 (1) Development of a state commodity coding system, including  
4 common stock numbers for items maintained in stores for reissue;

5 (2) Determination where consolidations, closures, or additions of  
6 stores operated by state agencies and educational institutions should  
7 be initiated;

8 (3) Institution of standard criteria for determination of when and  
9 where an item in the state supply system should be stocked;

10 (4) Establishment of stock levels to be maintained in state stores,  
11 and formulation of standards for replenishment of stock;

12 (5) Formulation of an overall distribution and redistribution  
13 system for stock items which establishes sources of supply support for  
14 all agencies, including interagency supply support;

15 (6) Determination of what function data processing equipment,  
16 including remote terminals, shall perform in statewide purchasing and  
17 material control for improvement of service and promotion of economy;

18 (7) Standardization of records and forms used statewide for supply  
19 system activities involving purchasing, receiving, inspecting, storing,  
20 requisitioning, and issuing functions, including a standard  
21 notification form for state agencies to report cost-effective direct  
22 purchases, which shall at least identify the price of the goods as  
23 available through the division of purchasing, the price of the goods as  
24 available from the alternative source, the total savings, and the  
25 signature of the notifying agency's director or the director's  
26 designee;

27 (8) Screening of supplies, material, and equipment excess to the  
28 requirements of one agency for overall state need before sale as  
29 surplus;

30 (9) Establishment of warehouse operation and storage standards to  
31 achieve uniform, effective, and economical stores operations;

32 (10) Establishment of time limit standards for the issuing of  
33 material in store and for processing requisitions requiring purchase;

34 (11) Formulation of criteria for determining when centralized  
35 rather than decentralized purchasing shall be used to obtain maximum  
36 benefit of volume buying of identical or similar items, including  
37 procurement from federal supply sources;

38 (12) Development of criteria for use of leased, rather than state  
39 owned, warehouse space based on relative cost and accessibility;

PAGE 107

1 (13) Institution of standard criteria for purchase and placement of  
2 state furnished materials, carpeting, furniture, fixtures, and nonfixed  
3 equipment, in newly constructed or renovated state buildings;

4 (14) Determination of how transportation costs incurred by the  
5 state for materials, supplies, services, and equipment can be reduced  
6 by improved freight and traffic coordination and control;

7 (15) Establishment of a formal certification program for state  
8 employees who are authorized to perform purchasing functions as agents  
9 for the state under the provisions of chapter 43.19 RCW;

10 (16) Development of performance measures for the reduction of total  
11 overall expense for material, supplies, equipment, and services used  
12 each biennium by the state;

13 (17) Establishment of a standard system for all state organizations  
14 to record and report dollar savings and cost avoidance which are  
15 attributable to the establishment and implementation of improved  
16 purchasing and material control procedures;

17 (18) Development of procedures for mutual and voluntary cooperation  
18 between state agencies, including educational institutions, and  
19 political subdivisions for exchange of purchasing and material control  
20 services;

21 (19) Resolution of all other purchasing and material matters which  
22 require the establishment of overall statewide policy for effective and  
23 economical supply management;

24 (20) Development of guidelines and criteria for the purchase of  
25 vehicles, alternate vehicle fuels and systems, equipment, and materials  
26 that reduce overall energy-related costs and energy use by the state,  
27 including the requirement that new passenger vehicles purchased by the  
28 state meet the minimum standards for passenger automobile fuel economy  
29 established by the United States secretary of transportation pursuant  
30 to the energy policy and conservation act (15 U.S.C. Sec. 2002);

31 (21) Development of goals for state use of recycled and  
32 environmentally preferable products through specifications for products  
33 and services, processes for requests for proposals and requests for  
34 qualifications, contractor selection, and contract negotiations.

35 NEW SECTION. Sec. 9. A new section is added to chapter 81.77 RCW  
36 to read as follows:

37 (1) The commission shall allow solid waste collection companies  
38 collecting recyclable materials to retain up to thirty percent of the

1 revenue paid to the companies for the material if the companies submit  
2 a plan to the commission that is certified by the appropriate local  
3 government authority as being consistent with the local government  
4 solid waste plan and that demonstrates how the revenues will be used to  
5 increase recycling. The remaining seventy percent of the revenue shall  
6 be passed to residential customers served throughout the state.

7 (2) By December 2, 2004, the commission shall provide a report to  
8 the legislature that evaluates:

9 (a) The effectiveness of revenue sharing as an incentive to  
10 increase recycling in the state; and

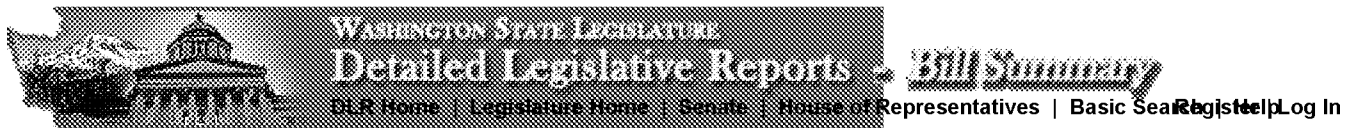
11 (b) The effect of revenue sharing on costs to customers.

12 NEW SECTION. **Sec. 10.** Section 2 of this act is necessary for the  
13 immediate preservation of the public peace, health, or safety, or  
14 support of the state government and its existing public institutions,  
15 and takes effect July 1, 2001.

--- END ---

## Senate Bill 5716

Fifty-Seventh Washington Legislature, First Session (2001)



Home | Bill History | Bill Tracking | Docs | Bill Sponsors | Roll Calls | BI/OC | Topical Index | Selected Step  
 Biennium 2001-02

- List documents before history
- Open documents in a new window

Bill Number

**SB 5716** Providing guidelines for recycling and waste reduction.

Go to documents...

**HISTORY OF BILL: SB 5716**  
**Monday, December 27, 2010 11:36 AM**

Print Version

Sponsors: Senators [Eide](#), [Swecker](#), [Fraser](#), [Kline](#), [Jacobsen](#), [Winsley](#), [Kohl-Welles](#)

**2001 REGULAR SESSION**

- Jan 31 First reading, referred to Environment, Energy & Water. ([View Original Bill](#))
- Feb 26 **EEW - Majority; 1st substitute bill be substituted, do pass.** ([View 1st Substitute](#))  
 And refer to Ways & Means.  
 Minority; do not pass.  
 Referred to Ways & Means.

**2001 1ST SPECIAL SESSION**

- Apr 25 By resolution, reintroduced and retained in present status.

**2002 REGULAR SESSION**

- Jan 14 By resolution, reintroduced and retained in present status.

Go to history...

**Available Documents**

For a complete list of documents, go to Detailed Legislative Reports [Text of a Legislative Document](#)

Bill Documents	Bill Digests	Bill Reports
Original Bill	Bill Digest	Senate Bill Report
Substitute Bill (EEW 01)	Substitute Bill Digest	

Fiscal Note (Not Available)

---

SENATE BILL 5716

---

State of Washington

57th Legislature

2001 Regular Session

By Senators Eide, Swecker, Fraser, Kline, Jacobsen, Winsley and Kohl-Welles

Read first time 01/31/2001. Referred to Committee on Environment, Energy & Water.

1 AN ACT Relating to recycling and waste reduction; amending RCW  
2 43.19.1905, 43.19A.020, 39.04.133, 70.95.010, 70.95.030, 70.95.090,  
3 70.95.280, 70.95.290, and 70.95.810; adding a new section to chapter  
4 81.77 RCW; creating new sections; prescribing penalties; and providing  
5 an expiration date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** (1) The department of general administration  
8 shall work with commercial and industrial construction industry  
9 organizations and recycle and refuse haulers to develop guidelines for  
10 implementing on-site construction waste management planning. The  
11 topics addressed in the guidelines shall include, but shall not be  
12 limited to:

13 (a) Standards for identifying the type of wastes generated during  
14 construction;

15 (b) Methods for analyzing the availability and cost-effectiveness  
16 of recycling services for each type of waste;

17 (c) Methods for evaluating construction waste management  
18 alternatives given limited recycling services in rural areas of the  
19 state;



1 (d) Strategies to maximize reuse and recycling of wastes and  
2 minimize landfill disposal;

3 (e) Standardized formats for on-site construction waste management  
4 planning and reporting documents; and

5 (f) A training and technical assistance plan for public and private  
6 building owners and construction industry members, in order to  
7 facilitate incorporation of waste management planning and recycling  
8 into standard construction industry practice.

9 (2) If a construction project receives state public funding, the  
10 general construction contractor shall develop and implement an on-site  
11 waste management plan. The plan shall include:

12 (a) An identification of the type and volume of wastes to be  
13 generated during construction;

14 (b) Alternatives to disposing of materials in a landfill, including  
15 the revenues and costs of the alternatives and the costs of disposal in  
16 a landfill; and

17 (c) Strategies to maximize reuse and recycling of wastes and  
18 minimize landfill disposal.

19 (3) Within sixty days of completion of the contract, the contractor  
20 shall file a report with the department of general administration that  
21 includes the volumes of waste generated and how the waste was managed.

22 (4) By December 15, 2001, the department of general administration  
23 shall provide a report to the legislature on the development of the  
24 guidelines required by subsection (1) of this section. The report  
25 shall include recommendations for incorporating job-site waste  
26 management planning and recycling into standard construction industry  
27 practice.

28 **Sec. 2.** RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to  
29 read as follows:

30 The director of general administration shall establish overall  
31 state policy for compliance by all state agencies, including  
32 educational institutions, regarding the following purchasing and  
33 material control functions:

34 (1) Development of a state commodity coding system, including  
35 common stock numbers for items maintained in stores for reissue;

36 (2) Determination where consolidations, closures, or additions of  
37 stores operated by state agencies and educational institutions should  
38 be initiated;

PAGE 113

- 1 (3) Institution of standard criteria for determination of when and  
2 where an item in the state supply system should be stocked;
- 3 (4) Establishment of stock levels to be maintained in state stores,  
4 and formulation of standards for replenishment of stock;
- 5 (5) Formulation of an overall distribution and redistribution  
6 system for stock items which establishes sources of supply support for  
7 all agencies, including interagency supply support;
- 8 (6) Determination of what function data processing equipment,  
9 including remote terminals, shall perform in statewide purchasing and  
10 material control for improvement of service and promotion of economy;
- 11 (7) Standardization of records and forms used statewide for supply  
12 system activities involving purchasing, receiving, inspecting, storing,  
13 requisitioning, and issuing functions, including a standard  
14 notification form for state agencies to report cost-effective direct  
15 purchases, which shall at least identify the price of the goods as  
16 available through the division of purchasing, the price of the goods as  
17 available from the alternative source, the total savings, and the  
18 signature of the notifying agency's director or the director's  
19 designee;
- 20 (8) Screening of supplies, material, and equipment excess to the  
21 requirements of one agency for overall state need before sale as  
22 surplus;
- 23 (9) Establishment of warehouse operation and storage standards to  
24 achieve uniform, effective, and economical stores operations;
- 25 (10) Establishment of time limit standards for the issuing of  
26 material in store and for processing requisitions requiring purchase;
- 27 (11) Formulation of criteria for determining when centralized  
28 rather than decentralized purchasing shall be used to obtain maximum  
29 benefit of volume buying of identical or similar items, including  
30 procurement from federal supply sources;
- 31 (12) Development of criteria for use of leased, rather than state  
32 owned, warehouse space based on relative cost and accessibility;
- 33 (13) Institution of standard criteria for purchase and placement of  
34 state furnished materials, carpeting, furniture, fixtures, and nonfixed  
35 equipment, in newly constructed or renovated state buildings;
- 36 (14) Determination of how transportation costs incurred by the  
37 state for materials, supplies, services, and equipment can be reduced  
38 by improved freight and traffic coordination and control;

1 (15) Establishment of a formal certification program for state  
2 employees who are authorized to perform purchasing functions as agents  
3 for the state under the provisions of chapter 43.19 RCW;

4 (16) Development of performance measures for the reduction of total  
5 overall expense for material, supplies, equipment, and services used  
6 each biennium by the state;

7 (17) Establishment of a standard system for all state organizations  
8 to record and report dollar savings and cost avoidance which are  
9 attributable to the establishment and implementation of improved  
10 purchasing and material control procedures;

11 (18) Development of procedures for mutual and voluntary cooperation  
12 between state agencies, including educational institutions, and  
13 political subdivisions for exchange of purchasing and material control  
14 services;

15 (19) Resolution of all other purchasing and material matters which  
16 require the establishment of overall statewide policy for effective and  
17 economical supply management;

18 (20) Development of guidelines and criteria for the purchase of  
19 vehicles, alternate vehicle fuels and systems, equipment, and materials  
20 that reduce overall energy-related costs and energy use by the state,  
21 including the requirement that new passenger vehicles purchased by the  
22 state meet the minimum standards for passenger automobile fuel economy  
23 established by the United States secretary of transportation pursuant  
24 to the energy policy and conservation act (15 U.S.C. Sec. 2002);

25 (21) Development of goals for state use of recycled and  
26 environmentally preferable products through specifications for products  
27 and services, processes for requests for proposals and requests for  
28 qualifications, contractor selection, and contract negotiations.

29 **Sec. 3.** RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read  
30 as follows:

31 (1) The ((USEPA)) federal product standards, ((as now or hereafter  
32 amended)) adopted under 42 U.S.C. Sec. 6962(e) as it exists on the  
33 effective date of this act, are adopted as the minimum standards for  
34 the state of Washington. These standards shall be implemented for at  
35 least the products listed in ((a) and (b) of) this subsection ((by  
36 the dates indicated)), unless the director finds that a different  
37 standard would significantly increase recycled product availability or  
38 competition.

PAGE 115

1 (a) (~~By July 1, 1997:~~  
2 ~~(i)~~) Paper and paper products;  
3 (~~(ii)~~) (b) Organic recovered materials; (~~and~~  
4 ~~(iii)~~) (c) Latex paint products;  
5 (~~(b) By July 1, 1997:~~  
6 ~~(i)~~) (d) Products for lower value uses containing recycled  
7 plastics;  
8 (~~(ii)~~) (e) Retread and remanufactured tires;  
9 (~~(iii)~~) (f) Lubricating oils;  
10 (~~(iv)~~) (g) Automotive batteries;  
11 (~~(v)~~) (h) Building (~~(insulation)~~) products and materials;  
12 (~~(vi)~~) (i) Panelboard; and  
13 (~~(vii)~~) (j) Compost products.

14 (2) By July 1, 2002, the director shall adopt product standards for  
15 strawboard manufactured using as an ingredient straw that is produced  
16 as a by-product in the production of cereal grain or turf or grass  
17 seed.

18 (3) The standards required by this section shall be applied to  
19 recycled product purchasing by the department (~~and~~), other state  
20 agencies, and state postsecondary education institutions. The  
21 standards may be adopted or applied by any other local government in  
22 product procurement. The standards shall provide for exceptions under  
23 appropriate circumstances to allow purchases of recycled products that  
24 do not meet the minimum content requirements of the standards.

25 NEW SECTION. Sec. 4. The legislature encourages city, county, and  
26 state governments, the private sector, and consumers to collaborate in  
27 sharing information and becoming informed about opportunities for  
28 increasing voluntary product stewardship to support the state's  
29 recycling goals. For purposes of this section, "product stewardship"  
30 means a principle that directs all actors in the life cycle of a  
31 product to minimize impacts of that product on the environment.

32 **Sec. 5.** RCW 39.04.133 and 1996 c 198 s 5 are each amended to read  
33 as follows:

34 (1) The state's preferences for the purchase and use of recycled  
35 content products shall be included as a factor in the design and  
36 development of state capital improvement projects.

1       (2) (~~Specifications for materials in state construction projects~~  
2 ~~shall include the use of recycled content products and recyclable~~  
3 ~~products whenever practicable.~~) If a construction project receives  
4 state public funding, the product standards, as provided in RCW  
5 43.19A.020, shall apply to the materials used in the project, whenever  
6 the administering agency and project owner determine that such products  
7 would be cost-effective and are readily available.

8       (3) This section does not apply to contracts entered into by a  
9 municipality.

10       NEW SECTION. Sec. 6. A new section is added to chapter 81.77 RCW  
11 to read as follows:

12       (1) The legislature finds that it is in the public interest for  
13 solid waste collection companies, local governments, and the commission  
14 to help increase residential recycling and decrease landfill disposal  
15 of recyclable materials by working cooperatively on experimental  
16 proposals to identify appropriate materials, services, and rate  
17 structures that provide incentives for solid waste collection companies  
18 and ratepayers to increase residential recycling.

19       (2) Any solid waste collection company may voluntarily propose to  
20 the commission an experimental plan to increase residential recycling.  
21 The commission shall approve the plan if the commission finds that:  
22 (a) The company has demonstrated the plan is consistent with local  
23 solid waste management plans; (b) the plan enhances, supplements, or  
24 concerns materials not included in the 2000 household recycling base as  
25 determined by the commission; (c) the company has demonstrated that the  
26 company, not the ratepayer, bears the cost of implementing the plan  
27 during the experimental period; and (d) the plan provides for gathering  
28 of necessary data and cooperative effort with local governments and the  
29 commission to evaluate results. All revenue earned by the company from  
30 implementation of the experimental plan shall be retained by the  
31 company.

32       (3) Working cooperatively with solid waste collection companies and  
33 local governments, the commission shall evaluate the results of  
34 experimental plans described in subsection (2) of this section and  
35 shall prepare and submit to the legislature by December 31, 2004, a  
36 report on the effectiveness of the plans for increasing residential  
37 recycling and decreasing landfill disposal of recyclable materials and  
38 identify those plans that could be implemented on a long-term basis.

PAGE 117

1 (4) This section expires December 31, 2005.

2 **Sec. 7.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read  
3 as follows:

4 The legislature finds:

5 (1) Continuing technological changes in methods of manufacture,  
6 packaging, and marketing of consumer products, together with the  
7 economic and population growth of this state, the rising affluence of  
8 its citizens, and its expanding industrial activity have created new  
9 and ever-mounting problems involving disposal of garbage, refuse, and  
10 solid waste materials resulting from domestic, agricultural, and  
11 industrial activities.

12 (2) Traditional methods of disposing of solid wastes in this state  
13 are no longer adequate to meet the ever-increasing problem. Improper  
14 methods and practices of handling and disposal of solid wastes pollute  
15 our land, air and water resources, blight our countryside, adversely  
16 affect land values, and damage the overall quality of our environment.

17 (3) Considerations of natural resource limitations, energy  
18 shortages, economics and the environment make necessary the development  
19 and implementation of solid waste recovery and/or recycling plans and  
20 programs.

21 (4) Waste reduction must become a fundamental strategy of solid  
22 waste management. It is therefore necessary to change manufacturing  
23 and purchasing practices and waste generation behaviors to reduce the  
24 amount of waste that becomes a governmental responsibility.

25 (5) Source separation of waste must become a fundamental strategy  
26 of solid waste management. Collection and handling strategies should  
27 have, as an ultimate goal, the source separation of all materials with  
28 resource value or environmental hazard.

29 (6)(a) It is the responsibility of every person to minimize his or  
30 her production of wastes and to separate recyclable or hazardous  
31 materials from mixed waste.

32 (b) It is the responsibility of state, county, and city governments  
33 to provide for a waste management infrastructure to fully implement  
34 waste reduction and source separation strategies and to process and  
35 dispose of remaining wastes in a manner that is environmentally safe  
36 and economically sound. It is further the responsibility of state,  
37 county, and city governments to monitor the cost-effectiveness and



1 environmental safety of combusting separated waste, processing mixed  
2 waste, and recycling programs.

3 (c) It is the responsibility of county and city governments to  
4 assume primary responsibility for solid waste management and to develop  
5 and implement aggressive and effective waste reduction and source  
6 separation strategies.

7 (d) It is the responsibility of state government to ensure that  
8 local governments are providing adequate source reduction and  
9 separation opportunities and incentives to all, including persons in  
10 both rural and urban areas, and nonresidential waste generators such as  
11 commercial, industrial, and institutional entities, recognizing the  
12 need to provide flexibility to accommodate differing population  
13 densities, distances to and availability of recycling markets, and  
14 collection and disposal costs in each community; and to provide county  
15 and city governments with adequate technical resources to accomplish  
16 this responsibility.

17 (7) Environmental and economic considerations in solving the  
18 state's solid waste management problems requires strong consideration  
19 by local governments of regional solutions and intergovernmental  
20 cooperation.

21 (8) The following priorities for the collection, handling, and  
22 management of solid waste are necessary and should be followed in  
23 descending order as applicable:

24 (a) Waste reduction;

25 (b) Recycling, with source separation of recyclable materials as  
26 the preferred method;

27 (c) Energy recovery, incineration, or landfill of separated waste;

28 (d) Energy recovery, incineration, or landfilling of mixed wastes.

29 (9) It is the state's goal to achieve a fifty percent recycling  
30 rate by (~~1995~~) 2005.

31 (10) It is the state's goal that programs be established, where  
32 alternatives to disposal are cost-effective and readily available, to  
33 eliminate disposal of residential or commercial yard debris in  
34 landfills by 2010.

35 (11) Steps should be taken to make recycling at least as affordable  
36 and convenient to the ratepayer as mixed waste disposal.

37 (~~(11)~~) (12) It is necessary to compile and maintain adequate data  
38 on the types and quantities of solid waste that are being generated and  
39 to monitor how the various types of solid waste are being managed.

1       (~~(12)~~) (13) Vehicle batteries should be recycled and the disposal  
2 of vehicle batteries into landfills or incinerators should be  
3 discontinued.

4       (~~(13)~~) (14) Excessive and nonrecyclable packaging of products  
5 should be avoided.

6       (~~(14)~~) (15) Comprehensive education should be conducted  
7 throughout the state so that people are informed of the need to reduce,  
8 source separate, and recycle solid waste.

9       (~~(15)~~) (16) All governmental entities in the state should set an  
10 example by implementing aggressive waste reduction and recycling  
11 programs at their workplaces and by purchasing products that are made  
12 from recycled materials and are recyclable.

13       (~~(16)~~) (17) To ensure the safe and efficient operations of solid  
14 waste disposal facilities, it is necessary for operators and regulators  
15 of landfills and incinerators to receive training and certification.

16       (~~(17)~~) (18) It is necessary to provide adequate funding to all  
17 levels of government so that successful waste reduction and recycling  
18 programs can be implemented.

19       (~~(18)~~) (19) The development of stable and expanding markets for  
20 recyclable materials is critical to the long-term success of the  
21 state's recycling goals. Market development must be encouraged on a  
22 state, regional, and national basis to maximize its effectiveness. The  
23 state shall assume primary responsibility for the development of a  
24 multifaceted market development program to carry out the purposes of  
25 this act.

26       (~~(19)~~) (20) There is an imperative need to anticipate, plan for,  
27 and accomplish effective storage, control, recovery, and recycling of  
28 discarded tires and other problem wastes with the subsequent  
29 conservation of resources and energy.

30       **Sec. 8.** RCW 70.95.030 and 1998 c 36 s 17 are each amended to read  
31 as follows:

32       As used in this chapter, unless the context indicates otherwise:

33       (1) "City" means every incorporated city and town.

34       (2) "Commission" means the utilities and transportation commission.

35       (3) "Committee" means the state solid waste advisory committee.

36       (4) "Composted material" means organic solid waste that has been  
37 subjected to controlled aerobic degradation at a solid waste facility  
38 in compliance with the requirements of this chapter. Natural decay of

1 organic solid waste under uncontrolled conditions does not result in  
2 composted material.

3 (5) "Department" means the department of ecology.

4 (6) "Director" means the director of the department of ecology.

5 (7) "Disposal site" means the location where any final treatment,  
6 utilization, processing, or deposit of solid waste occurs.

7 (8) "Energy recovery" means a process operating under federal and  
8 state environmental laws and regulations for converting solid waste  
9 into usable energy and for reducing the volume of solid waste.

10 (9) "Functional standards" means criteria for solid waste handling  
11 expressed in terms of expected performance or solid waste handling  
12 functions.

13 (10) "Incineration" means a process of reducing the volume of solid  
14 waste operating under federal and state environmental laws and  
15 regulations by use of an enclosed device using controlled flame  
16 combustion.

17 (11) "Jurisdictional health department" means city, county, city-  
18 county, or district public health department.

19 (12) "Landfill" means a disposal facility or part of a facility at  
20 which solid waste is placed in or on land and which is not a land  
21 treatment facility.

22 (13) "Local government" means a city, town, or county.

23 (14) "Modify" means to substantially change the design or  
24 operational plans including, but not limited to, removal of a design  
25 element previously set forth in a permit application or the addition of  
26 a disposal or processing activity that is not approved in the permit.

27 (15) "Multiple family residence" means any structure housing two or  
28 more dwelling units.

29 (16) "Person" means individual, firm, association, copartnership,  
30 political subdivision, government agency, municipality, industry,  
31 public or private corporation, or any other entity whatsoever.

32 (17) "Recyclable materials" means those solid wastes that are  
33 separated for recycling or reuse, such as papers, metals, and glass,  
34 that are identified as recyclable material pursuant to a local  
35 comprehensive solid waste plan. Prior to the adoption of the local  
36 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),  
37 local governments may identify recyclable materials by ordinance from  
38 July 23, 1989.

PAGE 121

1 (18) "Recycling" means transforming or remanufacturing waste  
2 materials into usable or marketable materials for use other than  
3 landfill disposal or incineration.

4 (19) "Residence" means the regular dwelling place of an individual  
5 or individuals.

6 (20) "Sewage sludge" means a semisolid substance consisting of  
7 settled sewage solids combined with varying amounts of water and  
8 dissolved materials, generated from a wastewater treatment system, that  
9 does not meet the requirements of chapter 70.95J RCW.

10 (21) "Soil amendment" means any substance that is intended to  
11 improve the physical characteristics of the soil, except composted  
12 material, commercial fertilizers, agricultural liming agents,  
13 unmanipulated animal manures, unmanipulated vegetable manures, food  
14 wastes, food processing wastes, and materials exempted by rule of the  
15 department, such as biosolids as defined in chapter 70.95J RCW and  
16 wastewater as regulated in chapter 90.48 RCW.

17 (22) "Solid waste" or "wastes" means all putrescible and  
18 nonputrescible solid and semisolid wastes including, but not limited  
19 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,  
20 demolition and construction wastes, abandoned vehicles or parts  
21 thereof, and recyclable materials.

22 (23) "Solid waste handling" means the management, storage,  
23 collection, transportation, treatment, utilization, processing, and  
24 final disposal of solid wastes, including the recovery and recycling of  
25 materials from solid wastes, the recovery of energy resources from  
26 solid wastes or the conversion of the energy in solid wastes to more  
27 useful forms or combinations thereof.

28 (24) "Source separation" means the separation of different kinds of  
29 solid waste at the place where the waste originates.

30 (25) "Vehicle" includes every device physically capable of being  
31 moved upon a public or private highway, road, street, or watercourse  
32 and in, upon, or by which any person or property is or may be  
33 transported or drawn upon a public or private highway, road, street, or  
34 watercourse, except devices moved by human or animal power or used  
35 exclusively upon stationary rails or tracks.

36 (26) "Waste-derived soil amendment" means any soil amendment as  
37 defined in this chapter that is derived from solid waste as defined in  
38 RCW 70.95.030, but does not include biosolids or biosolids products

1 regulated under chapter 70.95J RCW or wastewaters regulated under  
2 chapter 90.48 RCW.

3 (27) "Waste reduction" means reducing the amount or toxicity of  
4 waste generated or reusing materials.

5 (28) "Yard debris" means plant material commonly created in the  
6 course of maintaining yards and gardens, and through horticulture,  
7 gardening, landscaping, or similar activities. Yard debris includes  
8 but is not limited to grass clippings, leaves, branches, brush, weeds,  
9 flowers, roots, windfall fruit, vegetable garden debris, holiday trees,  
10 and tree prunings four inches or less in diameter.

11 **Sec. 9.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to read  
12 as follows:

13 Each county and city comprehensive solid waste management plan  
14 shall include the following:

15 (1) A detailed inventory and description of all existing solid  
16 waste handling facilities including an inventory of any deficiencies in  
17 meeting current solid waste handling needs.

18 (2) The estimated long-range needs for solid waste handling  
19 facilities projected twenty years into the future.

20 (3) A program for the orderly development of solid waste handling  
21 facilities in a manner consistent with the plans for the entire county  
22 which shall:

23 (a) Meet the minimum functional standards for solid waste handling  
24 adopted by the department and all laws and regulations relating to air  
25 and water pollution, fire prevention, flood control, and protection of  
26 public health;

27 (b) Take into account the comprehensive land use plan of each  
28 jurisdiction;

29 (c) Contain a six year construction and capital acquisition program  
30 for solid waste handling facilities; and

31 (d) Contain a plan for financing both capital costs and operational  
32 expenditures of the proposed solid waste management system.

33 (4) A program for surveillance and control.

34 (5) A current inventory and description of solid waste collection  
35 needs and operations within each respective jurisdiction which shall  
36 include:

37 (a) Any franchise for solid waste collection granted by the  
38 utilities and transportation commission in the respective jurisdictions

1 including the name of the holder of the franchise and the address of  
2 his or her place of business and the area covered by the franchise;

3 (b) Any city solid waste operation within the county and the  
4 boundaries of such operation;

5 (c) The population density of each area serviced by a city  
6 operation or by a franchised operation within the respective  
7 jurisdictions;

8 (d) The projected solid waste collection needs for the respective  
9 jurisdictions for the next six years.

10 (6) A comprehensive waste reduction and recycling element that, in  
11 accordance with the priorities established in RCW 70.95.010, provides  
12 programs that (a) reduce the amount of waste generated, (b) provide  
13 incentives and mechanisms for source separation, and (c) establish  
14 recycling opportunities for the source separated waste.

15 (7) The waste reduction and recycling element shall include the  
16 following:

17 (a) Waste reduction strategies;

18 (b) Source separation strategies, including:

19 (i) Programs for the collection of source separated materials from  
20 residences in urban and rural areas. In urban areas, these programs  
21 shall include collection of source separated recyclable materials from  
22 single and multiple family residences, unless the department approves  
23 an alternative program, according to the criteria in the planning  
24 guidelines. Such criteria shall include: Anticipated recovery rates  
25 and levels of public participation, availability of environmentally  
26 sound disposal capacity, access to markets for recyclable materials,  
27 unreasonable cost impacts on the ratepayer over the six-year planning  
28 period, utilization of environmentally sound waste reduction and  
29 recycling technologies, and other factors as appropriate. In rural  
30 areas, these programs shall include but not be limited to drop-off  
31 boxes, buy-back centers, or a combination of both, at each solid waste  
32 transfer, processing, or disposal site, or at locations convenient to  
33 the residents of the county. The drop-off boxes and buy-back centers  
34 may be owned or operated by public, nonprofit, or private persons;

35 (ii) Programs to monitor the collection of source separated waste  
36 at nonresidential sites where there is sufficient density to sustain a  
37 program;



1 (iii) Programs to ~~((collect))~~ manage yard ~~((waste, if the county or~~  
2 ~~city submitting the plan finds that there are))~~ debris, including  
3 strategies to:

4 (A) Develop collection programs or alternative means for managing  
5 yard debris;

6 (B) Eliminate disposal of yard debris in landfills; and

7 (C) Encourage adequate markets or capacity for composted yard  
8 ~~((waste))~~ debris within or near the service area to consume ~~((the~~  
9 ~~majority of))~~ the material collected; and

10 (iv) Programs to educate and promote the concepts of waste  
11 reduction and recycling;

12 (c) Recycling strategies, including a description of markets for  
13 recyclables, a review of waste generation trends, a description of  
14 waste composition, a discussion and description of existing programs  
15 and any additional programs needed to assist public and private sector  
16 recycling, and an implementation schedule for the designation of  
17 specific materials to be collected for recycling, and for the provision  
18 of recycling collection services; and

19 (d) Other information the county or city submitting the plan  
20 determines is necessary.

21 (8) County and city comprehensive solid waste management plans may  
22 provide for the establishment of residential collection rate structures  
23 that provide economic incentives for customers to reduce their level of  
24 solid waste collection service and encourage participation in waste  
25 reduction, recycling, and yard debris collection programs. Counties or  
26 cities pursuing this option shall work with the utilities and  
27 transportation commission and local haulers to develop the rate  
28 structure. Any jurisdictions that are signatories to comprehensive  
29 solid waste management plans that adopt residential incentive rates  
30 shall adopt ordinances to implement rate structures that are consistent  
31 with the guidelines in the comprehensive plans. The utilities and  
32 transportation commission is authorized to issue rules to implement  
33 this section for solid waste collection companies regulated under Title  
34 81 RCW.

35 (9) An assessment of the plan's impact on the costs of solid waste  
36 collection. The assessment shall be prepared in conformance with  
37 guidelines established by the utilities and transportation commission.  
38 The commission shall cooperate with the Washington state association of

PAGE 125

1 counties and the association of Washington cities in establishing such  
2 guidelines.

3 ~~((9))~~ (10) A review of potential areas that meet the criteria as  
4 outlined in RCW 70.95.165.

5 **Sec. 10.** RCW 70.95.280 and 1989 c 431 s 13 are each amended to  
6 read as follows:

7 The department of ecology shall determine the best management  
8 practices for categories of solid waste in accordance with the priority  
9 solid waste management methods established in RCW 70.95.010. In order  
10 to make this determination, the department shall conduct a  
11 comprehensive solid waste stream analysis and evaluation. Following  
12 establishment of baseline data resulting from an initial in-depth  
13 analysis of the waste stream, the department shall develop a less  
14 intensive method of monitoring the disposed waste stream including, but  
15 not limited to, changes in the amount of waste generated and waste  
16 type. The department shall monitor curbside collection programs and  
17 other waste segregation and disposal technologies to determine, to the  
18 extent possible, the effectiveness of these programs in terms of cost  
19 and participation, their applicability to other locations, and their  
20 implications regarding rules adopted under this chapter. Persons who  
21 collect solid waste shall annually report to the department the types  
22 and quantities of solid waste that are collected and where it is  
23 delivered. The department shall adopt guidelines for reporting and for  
24 ~~((keeping proprietary information confidential))~~ maintaining the  
25 confidentiality of proprietary information included in the report. By  
26 March 1st of each year, entities that collect recycled material shall  
27 report their activity from the previous calendar year on a form  
28 provided by the department. The department may impose a penalty of one  
29 hundred dollars on any entity that fails to submit the required report  
30 to the department. The department may impose an additional penalty of  
31 one hundred dollars for each day after March 1st that a firm fails to  
32 submit the required report. The total penalties for failure to report  
33 shall not exceed one thousand dollars. By May 1st of each year, the  
34 department may arrange for the publication in recycling and solid waste  
35 industry trade publications the names of those entities failing to file  
36 the required report. The department shall structure penalties and  
37 other sanctions so as to encourage compliance with the annual reporting  
38 requirement.

1       **Sec. 11.** RCW 70.95.290 and 1988 c 184 s 3 are each amended to read  
2 as follows:

3       (1) The evaluation of the solid waste stream required in RCW  
4 70.95.280 shall include the following elements:

5       (a) The department shall determine which management method for each  
6 category of solid waste will have the least environmental impact; and

7       (b) The department shall evaluate the costs of various management  
8 options for each category of solid waste, including a review of market  
9 availability, and shall take into consideration the economic impact on  
10 affected parties;

11       (c) Based on the results of (a) and (b) of this subsection, the  
12 department shall determine the best management for each category of  
13 solid waste. Different management methods for the same categories of  
14 waste may be developed for different parts of the state.

15       (2) The department shall give priority to evaluating categories of  
16 solid waste that, in relation to other categories of solid waste,  
17 comprise a large volume of the solid waste stream or present a high  
18 potential of harm to human health. At a minimum the following  
19 categories of waste shall be evaluated:

20       (a) By January 1, 1989, yard ((waste)) debris and other  
21 biodegradable materials, paper products, disposable diapers, and  
22 batteries; ((and))

23       (b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid  
24 lightweight cellular polystyrene, and tires; and

25       (c) By January 1, 2004, construction, demolition, and land-clearing  
26 debris, manure, and major food-processing wastes.

27       (3) The department is prohibited from adopting rules that mandate  
28 best management practices for the categories of solid waste identified  
29 in subsection (2) of this section.

30       **Sec. 12.** RCW 70.95.810 and 1998 c 245 s 132 are each amended to  
31 read as follows:

32       (1) In order to establish the feasibility of composting food and  
33 yard ((wastes)) debris, the department shall provide funds, as  
34 available, to local governments submitting a proposal to compost such  
35 wastes.

36       (2) The department, in cooperation with the department of  
37 community, trade, and economic development, may approve an application  
38 if the project can demonstrate the essential parameters for successful

1 composting, including, but not limited to, cost-effectiveness, handling  
2 and safety requirements, and current and potential markets.

--- END ---

# SENATE BILL REPORT

## SB 5716

---

---

As Reported By Senate Committee On:  
Environment, Energy & Water, February 23, 2001

**Title:** An act relating to recycling and waste reduction.

**Brief Description:** Providing guidelines for recycling and waste reduction.

**Sponsors:** Senators Eide, Swecker, Fraser, Kline, Jacobsen, Winsley and Kohl-Welles.

**Brief History:**

**Committee Activity:** Environment, Energy & Water: 2/16/01, 2/23/01 [DPS-WM, DNP].

---

### SENATE COMMITTEE ON ENVIRONMENT, ENERGY & WATER

**Majority Report:** That Substitute Senate Bill No. 5716 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen, McDonald and Patterson.

**Minority Report:** Do not pass.

Signed by Senators Hale, Honeyford and Morton.

**Staff:** Genevieve Pisarski (786-7488)

**Background:** The Waste Not Washington Act of 1989 establishes an approach to waste reduction, reuse, and recycling for the state that includes setting a goal to recycle 50 percent by 1995; expanding local government solid waste planning; conducting a waste characterization survey; reporting; and regulating solid waste collection companies.

In 1996, the state's recycling rate reached a high of 39 percent, but declined to 33 percent in 1997. In 1999, the Department of Ecology convened a recycling assessment panel to address the decline and develop recommendations. The panel issued a report in February 2000.

**Summary of Substitute Bill:** The Department of General Administration must work with the construction industry and solid waste collection companies to develop guidelines for managing job site waste and report to the Legislature by December 15, 2001.

The department must develop goals for state use of recycled and environmentally friendly products. The recycled content product standard for building products and materials are added. By July 1, 2002, a product standard for strawboard that uses grain, turf, or grass seed byproduct must be adopted. The state product standards apply to postsecondary education institutions. The standards apply to state funded construction projects, when they are cost effective and readily available.

Everyone is encouraged to learn more and try to do more for product stewardship.

Solid waste collection companies, local governments, and the Utilities and Transportation Commission are encouraged to cooperate on experimental programs for materials and services that will provide incentives to residential recycling. Companies may voluntarily propose an experimental plan. The commission must approve the plan, if the plan is consistent with local solid waste management plans; enhances, supplements, or adds materials to the 2000 household recycling base; the company bears the cost of implementation; and the plan provides for gathering data and working with local government and the commission to evaluate results. The company retains all revenue earned from the experimental plan. The commission must evaluate the results of experimental plans and report to the Legislature by December 31, 2004. These provisions expire December 31, 2005.

The state's 50 percent recycling goal is extended to 2005. A goal is established to eliminate yard debris in landfills by 2010. Local solid waste management plans must include programs to manage yard debris.

A schedule for filing annual recycling reports and penalties for failing to file are established.

By January 1, 2004, construction, demolition, and land clearing debris, electronic waste, manure, and major food processing wastes will be evaluated to determine management methods.

**Substitute Bill Compared to Original Bill:** The requirement that state-funded construction projects must manage job-site waste and report is deleted. Experimental efforts to increase residential recycling do not address rate structures. Authority for local governments to adopt incentive rate structures is deleted. Electronic waste is added to the categories of waste that will be evaluated by 2004. The prohibition against mandatory best management practices is deleted.

**Appropriation:** None.

**Fiscal Note:** Requested on February 1, 2001.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Authority for local governments to adopt incentive rate structures is not a mandate, but an opportunity that includes open public process, and should be retained. Authority for local governments to adopt incentive rate structures should not be included in its present form; it needs more work. The UTC's cost-of-service model is fair. The local governments' incentive rate structures will not change behavior, only penalize those who generate more waste than can be recycled. Some counties charge a penalty for not-recycling that works within the UTC model. The proposed authority should wait until the industry assimilates new ergonomic requirements that are pending. It would devalue companies' UTC certificates. Companies will have trouble collecting bills. This local government authority is not essential; the proposal will still improve recycling by addressing construction and yard debris. Focus on commercial waste, which is two-thirds of the waste, rather than residential, is appropriate. Electronic waste, which includes toxic and dangerous materials, should be




included for evaluation. Rate structures are not appropriate to be included in the experimental efforts.

**Testimony Against:** So-called "incentives" that make additional cans cost more only cause customers to pack more into one can and cause occupational health problems for collectors. Leave recycling to the market, maybe with a little push from government; most of the cement in the Kingdom was re-used. Adoption of job-site guidelines should be completed, before job-site waste management is required.

**Testified:** Bill Reed, King County (pro); Norm LeMay, LeMay Inc. (con); Willy O'Neil, AGC (con); Michelle Tsalaky, WRRRA (pro w/amend); Jeff Kelly-Clarke, State SWAC (pro w/amend); Eugene Eckhardt, WUTC (pro w/amend).

# House Bill 2308

Fifty-Seventh Washington Legislature, Second Session (2002)


**WASHINGTON STATE LEGISLATURE**  
**Detailed Legislative Reports** - [Bill Summary](#)  
[DLR Home](#) | [Legislature Home](#) | [Senate](#) | [House of Representatives](#) | [Basic Search](#) | [Register](#) | [Help](#) | [Log In](#)

[Home](#) | [Bill History](#) | [Bill Tracking](#) | [Docs](#) | [Bill Sponsors](#) | [Roll Calls](#) | [BI/OC](#) | [Topical Index](#) | [Selected Step](#)

List documents before history  
 Open documents in a new window

Bill Number

Biennium

**HB 2308**  Encouraging recycling and waste reduction.

Go to documents...

**HISTORY OF BILL: HB 2308**  
**Monday, December 27, 2010 11:39 AM**

 [Print Version](#)

Sponsors: Representatives [Linville](#), [Schoesler](#), [Anderson](#), [Dunshee](#), [Lovick](#), [Lantz](#), [Santos](#), [Rockefeller](#), [Berkey](#), [Conway](#), [Wood](#), [Edwards](#), [Cooper](#), [Hunt](#), [Fromhold](#), [Dickerson](#), [Cody](#), [Simpson](#), [Upthegrove](#), [Kagi](#), [McIntire](#)

Companion Bill: [SB 6480](#)

**2002 REGULAR SESSION**

Jan 8 Prefiled for introduction.  
 Jan 14 First reading, referred to Agriculture & Ecology. ([View Original Bill](#))  
 Jan 22 AGEC - Executive action taken by committee.  
**AGEC - Majority; 1st substitute bill be substituted, do pass.** ([View 1st Substitute](#))  
 Jan 24 Referred to Appropriations.  
 Feb 6 APP - Executive action taken by committee.  
 APP - Majority; do pass AGEC 02 bill proposed by Agriculture & Ecology.  
 Feb 12 Passed to Rules Committee for second reading.  
 Feb 13 Made eligible to be placed on second reading.  
 Feb 14 Placed on second reading by Rules Committee.  
 Feb 15 **1st substitute bill substituted (AGEC 02).** ([View 1st Substitute](#))  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed; yeas, 98; nays, 0; absent, 0; excused, 0. ([View Roll Calls](#))

**IN THE SENATE**

Feb 18 First reading, referred to Environment, Energy & Water.  
 Mar 1 EEW - Majority; do pass.  
Passed to Rules Committee for second reading.  
 Mar 2 Made eligible to be placed on second reading.  
 Mar 4 Placed on second reading by Rules Committee.  
 Mar 6 Rules suspended. Placed on Third Reading.  
 Third reading, passed; yeas, 46; nays, 0; absent, 0; excused, 3. ([View Roll Calls](#))

**IN THE HOUSE**

Mar 8 Speaker signed.

**IN THE SENATE**

President signed.

**OTHER THAN LEGISLATIVE ACTION**

Mar 11 Delivered to Governor. ([View Bill as Passed Legislature](#))

**PAGE 133**

Apr 2 Governor signed.  
 Chapter 299, 2002 Laws. ([View Session Law](#))  
 Effective date 6/13/2002.

Go to history...

### Available Documents

For a complete list of documents, go to Detailed Legislative Reports [Text of a Legislative Document](#)

Bill Documents	Bill Digests	Bill Reports
Original Bill Substitute Bill (AGEC 02) Bill as Passed Legislature Session Law	Bill Digest Substitute Bill Digest	House Bill Report House Bill Analysis Substitute House Bill Report Substitute Senate Bill Report Substitute House Final Bill Report

Fiscal Note (Not Available)

---

HOUSE BILL 2308

---

State of Washington

57th Legislature

2002 Regular Session

By Representatives Linville, Schoesler, Anderson, Dunshee, Lovick, Lantz, Santos, Rockefeller, Berkey, Conway, Wood, Edwards, Cooper, Hunt, Fromhold, Dickerson, Cody, Simpson, Upthegrove, Kagi and McIntire

Read first time 01/14/2002. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to recycling and waste reduction; amending RCW  
2 39.04.133, 70.95.010, 70.95.030, and 43.19.1905; adding a new section  
3 to chapter 81.77 RCW; adding a new section to chapter 70.95 RCW; and  
4 creating new sections.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The department of general administration  
7 shall work with commercial and industrial construction industry  
8 organizations to develop guidelines for implementing on-site  
9 construction waste management planning. The topics addressed in the  
10 guidelines shall include, but shall not be limited to:

11 (a) Standards for identifying the type of wastes generated during  
12 construction;

13 (b) Methods for analyzing the availability and cost-effectiveness  
14 of recycling services for each type of waste;

15 (c) Methods for evaluating construction waste management  
16 alternatives given limited recycling services in rural areas of the  
17 state;

18 (d) Strategies to maximize reuse and recycling of wastes and  
19 minimize landfill disposal;

1 (e) Standardized formats for on-site construction waste management  
2 planning and reporting documents; and

3 (f) A training and technical assistance plan for public and private  
4 building owners and construction industry members, in order to  
5 facilitate incorporation of waste management planning and recycling  
6 into standard construction industry practice.

7 (2) By December 15, 2002, the department of general administration  
8 shall provide a report to the legislature on the development of the  
9 guidelines required by subsection (1) of this section. The report  
10 shall include recommendations for incorporating job-site waste  
11 management planning and recycling into standard construction industry  
12 practice.

13 **Sec. 2.** RCW 39.04.133 and 1996 c 198 s 5 are each amended to read  
14 as follows:

15 (1) The state's preferences for the purchase and use of recycled  
16 content products shall be included as a factor in the design and  
17 development of state capital improvement projects.

18 (2) (~~Specifications for materials in state construction projects~~  
19 ~~shall include the use of recycled content products and recyclable~~  
20 ~~products whenever practicable)) If a construction project receives  
21 state public funding, the product standards, as provided in RCW  
22 43.19A.020, shall apply to the materials used in the project, whenever  
23 the administering agency and project owner determine that such products  
24 would be cost-effective and are readily available.~~

25 (3) This section does not apply to contracts entered into by a  
26 municipality.

27 **Sec. 3.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read  
28 as follows:

29 The legislature finds:

30 (1) Continuing technological changes in methods of manufacture,  
31 packaging, and marketing of consumer products, together with the  
32 economic and population growth of this state, the rising affluence of  
33 its citizens, and its expanding industrial activity have created new  
34 and ever-mounting problems involving disposal of garbage, refuse, and  
35 solid waste materials resulting from domestic, agricultural, and  
36 industrial activities.

PAGE 136



1 (2) Traditional methods of disposing of solid wastes in this state  
2 are no longer adequate to meet the ever-increasing problem. Improper  
3 methods and practices of handling and disposal of solid wastes pollute  
4 our land, air and water resources, blight our countryside, adversely  
5 affect land values, and damage the overall quality of our environment.

6 (3) Considerations of natural resource limitations, energy  
7 shortages, economics and the environment make necessary the development  
8 and implementation of solid waste recovery and/or recycling plans and  
9 programs.

10 (4) Waste reduction must become a fundamental strategy of solid  
11 waste management. It is therefore necessary to change manufacturing  
12 and purchasing practices and waste generation behaviors to reduce the  
13 amount of waste that becomes a governmental responsibility.

14 (5) Source separation of waste must become a fundamental strategy  
15 of solid waste management. Collection and handling strategies should  
16 have, as an ultimate goal, the source separation of all materials with  
17 resource value or environmental hazard.

18 (6)(a) It (~~is the responsibility~~) should be the goal of every  
19 person and business to minimize (~~his or her~~) their production of  
20 wastes and to separate recyclable or hazardous materials from mixed  
21 waste.

22 (b) It is the responsibility of state, county, and city governments  
23 to provide for a waste management infrastructure to fully implement  
24 waste reduction and source separation strategies and to process and  
25 dispose of remaining wastes in a manner that is environmentally safe  
26 and economically sound. It is further the responsibility of state,  
27 county, and city governments to monitor the cost-effectiveness and  
28 environmental safety of combusting separated waste, processing mixed  
29 municipal solid waste, and recycling programs.

30 (c) It is the responsibility of county and city governments to  
31 assume primary responsibility for solid waste management and to develop  
32 and implement aggressive and effective waste reduction and source  
33 separation strategies.

34 (d) It is the responsibility of state government to ensure that  
35 local governments are providing adequate source reduction and  
36 separation opportunities and incentives to all, including persons in  
37 both rural and urban areas, and nonresidential waste generators such as  
38 commercial, industrial, and institutional entities, recognizing the  
39 need to provide flexibility to accommodate differing population

1 densities, distances to and availability of recycling markets, and  
2 collection and disposal costs in each community; and to provide county  
3 and city governments with adequate technical resources to accomplish  
4 this responsibility.

5 (7) Environmental and economic considerations in solving the  
6 state's solid waste management problems requires strong consideration  
7 by local governments of regional solutions and intergovernmental  
8 cooperation.

9 (8) The following priorities for the collection, handling, and  
10 management of solid waste are necessary and should be followed in  
11 descending order as applicable:

12 (a) Waste reduction;

13 (b) Recycling, with source separation of recyclable materials as  
14 the preferred method;

15 (c) Energy recovery, incineration, or landfill of separated waste;

16 (d) Energy recovery, incineration, or (~~landfilling~~) landfill of  
17 mixed municipal solid wastes.

18 (9) It is the state's goal to achieve a fifty percent recycling  
19 rate by (~~1995~~) 2007.

20 (10) It is the state's goal that programs be established to  
21 eliminate residential or commercial yard debris in landfills by 2012 in  
22 those areas where alternatives to disposal are readily available and  
23 effective.

24 (11) Steps should be taken to make recycling at least as affordable  
25 and convenient to the ratepayer as mixed waste disposal.

26 (~~11~~) (12) It is necessary to compile and maintain adequate data  
27 on the types and quantities of solid waste that are being generated and  
28 to monitor how the various types of solid waste are being managed.

29 (~~12~~) (13) Vehicle batteries should be recycled and the disposal  
30 of vehicle batteries into landfills or incinerators should be  
31 discontinued.

32 (~~13~~) (14) Excessive and nonrecyclable packaging of products  
33 should be avoided.

34 (~~14~~) (15) Comprehensive education should be conducted  
35 throughout the state so that people are informed of the need to reduce,  
36 source separate, and recycle solid waste.

37 (~~15~~) (16) All governmental entities in the state should set an  
38 example by implementing aggressive waste reduction and recycling

PAGE 138

1 programs at their workplaces and by purchasing products that are made  
2 from recycled materials and are recyclable.

3 ~~((16))~~ (17) To ensure the safe and efficient operations of solid  
4 waste disposal facilities, it is necessary for operators and regulators  
5 of landfills and incinerators to receive training and certification.

6 ~~((17))~~ (18) It is necessary to provide adequate funding to all  
7 levels of government so that successful waste reduction and recycling  
8 programs can be implemented.

9 ~~((18))~~ (19) The development of stable and expanding markets for  
10 recyclable materials is critical to the long-term success of the  
11 state's recycling goals. Market development must be encouraged on a  
12 state, regional, and national basis to maximize its effectiveness. The  
13 state shall assume primary responsibility for the development of a  
14 multifaceted market development program to carry out the purposes of  
15 this act.

16 ~~((19))~~ (20) There is an imperative need to anticipate, plan for,  
17 and accomplish effective storage, control, recovery, and recycling of  
18 discarded tires and other problem wastes with the subsequent  
19 conservation of resources and energy.

20 **Sec. 4.** RCW 70.95.030 and 1998 c 36 s 17 are each amended to read  
21 as follows:

22 As used in this chapter, unless the context indicates otherwise:

23 (1) "City" means every incorporated city and town.

24 (2) "Commission" means the utilities and transportation commission.

25 (3) "Committee" means the state solid waste advisory committee.

26 (4) "Composted material" means organic solid waste that has been  
27 subjected to controlled aerobic degradation at a solid waste facility  
28 in compliance with the requirements of this chapter. Natural decay of  
29 organic solid waste under uncontrolled conditions does not result in  
30 composted material.

31 (5) "Department" means the department of ecology.

32 (6) "Director" means the director of the department of ecology.

33 (7) "Disposal site" means the location where any final treatment,  
34 utilization, processing, or deposit of solid waste occurs.

35 (8) "Energy recovery" means a process operating under federal and  
36 state environmental laws and regulations for converting solid waste  
37 into usable energy and for reducing the volume of solid waste.

1 (9) "Functional standards" means criteria for solid waste handling  
2 expressed in terms of expected performance or solid waste handling  
3 functions.

4 (10) "Incineration" means a process of reducing the volume of solid  
5 waste operating under federal and state environmental laws and  
6 regulations by use of an enclosed device using controlled flame  
7 combustion.

8 (11) "Jurisdictional health department" means city, county, city-  
9 county, or district public health department.

10 (12) "Landfill" means a disposal facility or part of a facility at  
11 which solid waste is placed in or on land and which is not a land  
12 treatment facility.

13 (13) "Local government" means a city, town, or county.

14 (14) "Modify" means to substantially change the design or  
15 operational plans including, but not limited to, removal of a design  
16 element previously set forth in a permit application or the addition of  
17 a disposal or processing activity that is not approved in the permit.

18 (15) "Multiple family residence" means any structure housing two or  
19 more dwelling units.

20 (16) "Person" means individual, firm, association, copartnership,  
21 political subdivision, government agency, municipality, industry,  
22 public or private corporation, or any other entity whatsoever.

23 (17) "Recyclable materials" means those solid wastes that are  
24 separated for recycling or reuse, such as papers, metals, and glass,  
25 that are identified as recyclable material pursuant to a local  
26 comprehensive solid waste plan. Prior to the adoption of the local  
27 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),  
28 local governments may identify recyclable materials by ordinance from  
29 July 23, 1989.

30 (18) "Recycling" means transforming or remanufacturing waste  
31 materials into usable or marketable materials for use other than  
32 landfill disposal or incineration.

33 (19) "Residence" means the regular dwelling place of an individual  
34 or individuals.

35 (20) "Sewage sludge" means a semisolid substance consisting of  
36 settled sewage solids combined with varying amounts of water and  
37 dissolved materials, generated from a wastewater treatment system, that  
38 does not meet the requirements of chapter 70.95J RCW.

PAGE 140

1 (21) "Soil amendment" means any substance that is intended to  
2 improve the physical characteristics of the soil, except composted  
3 material, commercial fertilizers, agricultural liming agents,  
4 unmanipulated animal manures, unmanipulated vegetable manures, food  
5 wastes, food processing wastes, and materials exempted by rule of the  
6 department, such as biosolids as defined in chapter 70.95J RCW and  
7 wastewater as regulated in chapter 90.48 RCW.

8 (22) "Solid waste" or "wastes" means all putrescible and  
9 nonputrescible solid and semisolid wastes including, but not limited  
10 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,  
11 demolition and construction wastes, abandoned vehicles or parts  
12 thereof, and recyclable materials.

13 (23) "Solid waste handling" means the management, storage,  
14 collection, transportation, treatment, utilization, processing, and  
15 final disposal of solid wastes, including the recovery and recycling of  
16 materials from solid wastes, the recovery of energy resources from  
17 solid wastes or the conversion of the energy in solid wastes to more  
18 useful forms or combinations thereof.

19 (24) "Source separation" means the separation of different kinds of  
20 solid waste at the place where the waste originates.

21 (25) "Vehicle" includes every device physically capable of being  
22 moved upon a public or private highway, road, street, or watercourse  
23 and in, upon, or by which any person or property is or may be  
24 transported or drawn upon a public or private highway, road, street, or  
25 watercourse, except devices moved by human or animal power or used  
26 exclusively upon stationary rails or tracks.

27 (26) "Waste-derived soil amendment" means any soil amendment as  
28 defined in this chapter that is derived from solid waste as defined in  
29 RCW 70.95.030, but does not include biosolids or biosolids products  
30 regulated under chapter 70.95J RCW or wastewaters regulated under  
31 chapter 90.48 RCW.

32 (27) "Waste reduction" means reducing the amount or toxicity of  
33 waste generated or reusing materials.

34 (28) "Yard debris" means plant material commonly created in the  
35 course of maintaining yards and gardens, and through horticulture,  
36 gardening, landscaping, or similar activities. Yard debris includes  
37 but is not limited to grass clippings, leaves, branches, brush, weeds,  
38 flowers, roots, windfall fruit, vegetable garden debris, holiday trees,  
39 and tree prunings four inches or less in diameter.

1       **Sec. 5.** RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to  
2 read as follows:

3       The director of general administration shall establish overall  
4 state policy for compliance by all state agencies, including  
5 educational institutions, regarding the following purchasing and  
6 material control functions:

7       (1) Development of a state commodity coding system, including  
8 common stock numbers for items maintained in stores for reissue;

9       (2) Determination where consolidations, closures, or additions of  
10 stores operated by state agencies and educational institutions should  
11 be initiated;

12       (3) Institution of standard criteria for determination of when and  
13 where an item in the state supply system should be stocked;

14       (4) Establishment of stock levels to be maintained in state stores,  
15 and formulation of standards for replenishment of stock;

16       (5) Formulation of an overall distribution and redistribution  
17 system for stock items which establishes sources of supply support for  
18 all agencies, including interagency supply support;

19       (6) Determination of what function data processing equipment,  
20 including remote terminals, shall perform in statewide purchasing and  
21 material control for improvement of service and promotion of economy;

22       (7) Standardization of records and forms used statewide for supply  
23 system activities involving purchasing, receiving, inspecting, storing,  
24 requisitioning, and issuing functions, including a standard  
25 notification form for state agencies to report cost-effective direct  
26 purchases, which shall at least identify the price of the goods as  
27 available through the division of purchasing, the price of the goods as  
28 available from the alternative source, the total savings, and the  
29 signature of the notifying agency's director or the director's  
30 designee;

31       (8) Screening of supplies, material, and equipment excess to the  
32 requirements of one agency for overall state need before sale as  
33 surplus;

34       (9) Establishment of warehouse operation and storage standards to  
35 achieve uniform, effective, and economical stores operations;

36       (10) Establishment of time limit standards for the issuing of  
37 material in store and for processing requisitions requiring purchase;

38       (11) Formulation of criteria for determining when centralized  
39 rather than decentralized purchasing shall be used to obtain maximum

PAGE 142



1 benefit of volume buying of identical or similar items, including  
2 procurement from federal supply sources;

3 (12) Development of criteria for use of leased, rather than state  
4 owned, warehouse space based on relative cost and accessibility;

5 (13) Institution of standard criteria for purchase and placement of  
6 state furnished materials, carpeting, furniture, fixtures, and nonfixed  
7 equipment, in newly constructed or renovated state buildings;

8 (14) Determination of how transportation costs incurred by the  
9 state for materials, supplies, services, and equipment can be reduced  
10 by improved freight and traffic coordination and control;

11 (15) Establishment of a formal certification program for state  
12 employees who are authorized to perform purchasing functions as agents  
13 for the state under the provisions of chapter 43.19 RCW;

14 (16) Development of performance measures for the reduction of total  
15 overall expense for material, supplies, equipment, and services used  
16 each biennium by the state;

17 (17) Establishment of a standard system for all state organizations  
18 to record and report dollar savings and cost avoidance which are  
19 attributable to the establishment and implementation of improved  
20 purchasing and material control procedures;

21 (18) Development of procedures for mutual and voluntary cooperation  
22 between state agencies, including educational institutions, and  
23 political subdivisions for exchange of purchasing and material control  
24 services;

25 (19) Resolution of all other purchasing and material matters which  
26 require the establishment of overall statewide policy for effective and  
27 economical supply management;

28 (20) Development of guidelines and criteria for the purchase of  
29 vehicles, alternate vehicle fuels and systems, equipment, and materials  
30 that reduce overall energy-related costs and energy use by the state,  
31 including the requirement that new passenger vehicles purchased by the  
32 state meet the minimum standards for passenger automobile fuel economy  
33 established by the United States secretary of transportation pursuant  
34 to the energy policy and conservation act (15 U.S.C. Sec. 2002);

35 (21) Development of goals for state use of recycled and  
36 environmentally preferable products through specifications for products  
37 and services, processes for requests for proposals and requests for  
38 qualifications, contractor selection, and contract negotiations.

1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 81.77 RCW  
2 to read as follows:

3        (1) The commission shall allow solid waste collection companies  
4 collecting recyclable materials to retain up to thirty percent of the  
5 revenue paid to the companies for the material if the companies submit  
6 a plan to the commission that is certified by the appropriate local  
7 government authority as being consistent with the local government  
8 solid waste plan and that demonstrates how the revenues will be used to  
9 increase recycling.    The remaining revenue shall be passed to  
10 residential customers.

11        (2) By December 2, 2005, the commission shall provide a report to  
12 the legislature that evaluates:

13        (a) The effectiveness of revenue sharing as an incentive to  
14 increase recycling in the state; and

15        (b) The effect of revenue sharing on costs to customers.

16        NEW SECTION.    **Sec. 7.**    The department of ecology shall designate a  
17 portion of the responsibilities of existing staff to investigate and  
18 draw conclusions by December 31, 2002, on the following:

19        (1) The use of scrap tires as alternative daily cover for  
20 landfills.    This shall include, but not be limited to, a review of  
21 alternative daily cover specifications that have been developed by  
22 other states, and either an analysis of those specifications'  
23 applicability to Washington or recommendations for developing  
24 alternative daily cover specifications that are unique to Washington;

25        (2) The feasibility of establishing and maintaining an incentive  
26 program for market development for scrap tires.    This shall include,  
27 but not be limited to, the results of research into the availability of  
28 funding for such a program and proposed criteria for the program that  
29 favors projects utilizing higher end value uses of scrap tires.

30        NEW SECTION.    **Sec. 8.**    The department of transportation, in  
31 consultation with the office of general administration when needed,  
32 shall designate a portion of the responsibilities of existing staff to  
33 evaluate scrap tire use for civil engineering and highway construction  
34 applications by November 30, 2003.    The evaluation shall include:

35        (1) An analysis of the feasibility of using scrap tires in  
36 lightweight fills given the standards and specifications adopted by the  
37 federal highway administration and other states; and

1 (2) An analysis of the feasibility of using rubber-modified asphalt  
2 in highway projects, including any changes in the cost of such  
3 procedures from the costs reported in the department of  
4 transportation's 1992 report to the legislature on the use of recycled  
5 materials in highway construction.

6 NEW SECTION. **Sec. 9.** A new section is added to chapter 70.95 RCW  
7 to read as follows:

8 The department of ecology, in conjunction with the appropriate  
9 private sector stakeholders, shall track and report annually to the  
10 legislature the total increase or reduction of tire recycling or reuse  
11 rates in the state for each calendar year and for the cumulative  
12 calendar years from the effective date of this act.

--- END ---

# SENATE BILL REPORT

## SHB 2308

---

---

As Reported By Senate Committee On:  
Environment, Energy & Water, March 1, 2002

**Title:** An act relating to recycling and waste reduction.

**Brief Description:** Encouraging recycling and waste reduction.

**Sponsors:** House Committee on Agriculture & Ecology (originally sponsored by Representatives Linville, Schoesler, Anderson, Dunshee, Lovick, Lantz, Santos, Rockefeller, Berkey, Conway, Wood, Edwards, Cooper, Hunt, Fromhold, Dickerson, Cody, Simpson, Upthegrove, Kagi and McIntire).

**Brief History:**

**Committee Activity:** Environment, Energy & Water: 3/1/02 [DP].

---

### SENATE COMMITTEE ON ENVIRONMENT, ENERGY & WATER

**Majority Report:** Do pass.

Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, Keiser, McDonald and Morton.

**Staff:** Genevieve Pisarski (786-7488)

**Background:** The Waste-Not Washington Act of 1989 established a state policy of waste reduction, reuse, and recycling that provided for a 50 percent recycling rate by 1995, expanded local government solid waste planning, a waste characterization survey, reporting requirements, and regulation of solid waste collection companies.

According to the Department of Ecology, the state's recycling rate reached a high of 39 percent in 1996 and declined to under 33 percent in 1997. The department convened a Recycling Assessment Panel to evaluate the decline and to recommend responses. The panel's report was presented in February 2000 and included recommendations for legislation. Among these recommendations were measures to increase commercial recycling, increase the efficiency of residential recycling, increase organic material recycling, address land-clearing waste, and raise awareness statewide.

**Summary of Bill:** The Department of General Administration must work with the construction industry to develop guidelines for on-site construction waste management, including standards for identifying types of waste, methods for evaluating recycling services and alternatives to recycling, planning methods, and training and technical assistance. The department must report to the Legislature in December 2002.

The adopted product standards for state purchasing of recycled products apply to any state-funded construction project, whenever the administering agency and project owner determine that such products are cost-effective and readily available.

The state goal to achieve a 50 percent recycling rate is extended to 2007.

A state goal of establishing programs to eliminate residential yard debris in landfills by 2012 is adopted for areas where alternatives to disposal are readily available and effective. A definition of yard debris is adopted.

The Department of General Administration must develop goals and procedures for state use of recycled and environmentally preferable products.

Solid waste collection companies are allowed to retain up to 30 percent of the revenue they receive for recyclable materials, if they submit a plan that is consistent with local solid waste management plans and that shows how they will use that revenue to increase recycling. The remaining revenue is passed to residential customers. The Utilities and Transportation Commission must evaluate the effectiveness of this incentive and its effect on cost to customers and report to the Legislature in 2005.

The Department of Ecology must evaluate by December 31, 2002, the use of scrap tires as alternative daily cover for landfills and the feasibility of establishing and maintaining an incentive program for scrap tire market development.

The Department of Ecology must work with stakeholders to track tire recycling and report annually.

The Department of Transportation must evaluate the use of scrap tires in civil engineering and highway construction applications and report to the Legislature by November 30, 2003.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** None.

**Testimony Against:** None.

**Testified:** No one.

# FINAL BILL REPORT

## SHB 2308

---

---

C 299 L 02

Synopsis as Enacted

**Brief Description:** Encouraging recycling and waste reduction.

**Sponsors:** By House Committee on Agriculture & Ecology (originally sponsored by Representatives Linville, Schoesler, Anderson, Dunshee, Lovick, Lantz, Santos, Rockefeller, Berkey, Conway, Wood, Edwards, Cooper, Hunt, Fromhold, Dickerson, Cody, Simpson, Upthegrove, Kagi and McIntire).

**House Committee on Agriculture & Ecology**

**House Committee on Appropriations**

**Senate Committee on Environment, Energy & Water**

### **Background:**

The Waste-Not Washington Act of 1989 established a policy framework for waste reduction, reuse, and recycling that included setting a goal for the state to recycle 50 percent by 1995, expanding of local government solid waste planning, conducting a waste characterization survey, reporting requirements, and regulating solid waste collection companies.

According to the Department of Ecology, the state's recycling rate reached a high of 39 percent in 1996 and declined to under 33 percent in 1997. The department convened the Recycling Assessment Panel to evaluate causes in the recycling rate decline and to recommend responses. The panel's report was presented in February 2000 and included recommendations for legislation. Among the recommendations were plans for increasing commercial recycling, increasing the efficiency of residential recycling, increasing organic material recycling, addressing land-clearing waste, and raising awareness statewide.

### **Summary:**

The Legislature finds that it is the state's goal to establish programs to eliminate residential or commercial yard debris in landfills by 2012 in those areas where alternatives to disposal are available and effective.

The Department of General Administration (GA) is required to work with the commercial and industrial construction industry to develop guidelines for implementing on-site construction waste management. The guidelines must address standards for identifying the types of wastes generated, methods for analyzing the availability and



cost-effectiveness of recycling services, methods for evaluating waste management alternatives if there is a lack of recycling services, strategies to maximize reuse and recycling, standardized formats for on-site waste management planning, and training and technical assistance for building managers and construction professionals in order to facilitate the incorporation of waste management planning and recycling into standard industry practice. The GA must report on these guidelines to the Legislature by December 15, 2002. The GA is also directed to develop goals for state use of recycled or environmentally preferable products and services, contractor selection, and contract negotiations.

Any construction project that receives state funding must apply legislatively adopted product standards to the materials used in the project. The standards do not need to be applied if the administering agency and project owner determine that applying the standards would not be cost-effective or the products were not readily available.

Companies that collect recyclable materials are allowed to retain up to 30 percent of the revenue paid to the company for the materials. To participate in this program, a company must have a plan certified by the appropriate local government authority that demonstrates how retaining the revenue will be used to increase recycling. The Utilities and Transportation Commission must evaluate the effectiveness of this revenue sharing proposition and report to the Legislature in 2005.

The Department of Ecology (DOE) is instructed to investigate and draw conclusions by December 31, 2002, on the use of scrap tires as alternative daily cover for landfills and the feasibility of establishing and maintaining an incentive program for scrap tire market development. The investigation of alternative daily cover must include a review of specifications developed by other states and an analysis of how those specifications apply to Washington. The investigation of market development must include research into the availability of funding and proposed criteria for such a program. The DOE must also work with private-sector stakeholders to track and annually report increases or decreases in the state's tire recycling rates.

The Department of Transportation must evaluate scrap tire uses in civil engineering and road building applications, and report their finding to the legislature by November 30, 2003. This study must include the feasibility of using scrap tires in lightweight fills and an analysis of using rubber-modified asphalt in highway projects.

**Votes on Final Passage:**

House 98 0

Senate 46 0

**Effective:** June 13, 2002

**2002**

**SESSION LAWS**

OF THE

**STATE OF WASHINGTON**

REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE  
Convened January 14, 2002. Adjourned March 14, 2002.



Published at Olympia by the Statute Law Committee under  
Chapter 6, Laws of 1969.

GARY REID  
Acting Code Reviser

<http://slc.leg.wa.gov>

(b) Describing any respects in which the statements were not prepared on a basis of accounting consistent with the basis used for statements prepared for the preceding year.

(4) For purposes of this section, "shareholder" includes a beneficial owner whose shares are held in a voting trust or by a nominee on the beneficial owner's behalf.

Passed the House February 11, 2002.

Passed the Senate March 5, 2002.

Approved by the Governor April 2, 2002.

Filed in Office of Secretary of State April 2, 2002.

## CHAPTER 298

[Engrossed Substitute House Bill 2305]

### AGRICULTURAL ACTIVITIES ON AGRICULTURAL LANDS

AN ACT Relating to clarifying the application of shoreline master program guidelines and master programs to agricultural activities on agricultural lands; adding a new section to chapter 90.58 RCW; and providing a contingent effective date.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** A new section is added to chapter 90.58 RCW to read as follows:

(1) The guidelines adopted by the department and master programs developed or amended by local governments according to RCW 90.58.080 shall not require modification of or limit agricultural activities occurring on agricultural lands. In jurisdictions where agricultural activities occur, master programs developed or amended after the effective date of this act shall include provisions addressing new agricultural activities on land not meeting the definition of agricultural land, conversion of agricultural lands to other uses, and development not meeting the definition of agricultural activities. Nothing in this section limits or changes the terms of the current exception to the definition of substantial development in RCW 90.58.030(3)(e)(iv). This section applies only to this chapter, and shall not affect any other authority of local governments.

(2) For the purposes of this section:

(a) "Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement

facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;

(b) "Agricultural products" includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products;

(c) "Agricultural equipment" and "agricultural facilities" includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables; and

(d) "Agricultural land" means those specific land areas on which agriculture activities are conducted.

(3) The department and local governments shall assure that local shoreline master programs use definitions consistent with the definitions in this section.

**NEW SECTION. Sec. 2.** The provisions of this act do not become effective until the earlier of either January 1, 2004, or the date the department of ecology amends or updates chapter 173-16 or 173-26 WAC.

Passed the House March 11, 2002.

Passed the Senate March 7, 2002.

Approved by the Governor April 2, 2002.

Filed in Office of Secretary of State April 2, 2002.

## CHAPTER 299

[Substitute House Bill 2308]

### RECYCLING

AN ACT Relating to recycling and waste reduction; amending RCW 39.04.133, 70.95.010, 70.95.030, and 43.19.1905; adding a new section to chapter 81.77 RCW; adding a new section to chapter 70.95 RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** (1) The department of general administration shall work with commercial and industrial construction industry organizations to develop guidelines for implementing on-site construction waste management planning. The topics addressed in the guidelines shall include, but shall not be limited to:

- (a) Standards for identifying the type of wastes generated during construction;
- (b) Methods for analyzing the availability and cost-effectiveness of recycling services for each type of waste;
- (c) Methods for evaluating construction waste management alternatives given limited recycling services in rural areas of the state;
- (d) Strategies to maximize reuse and recycling of wastes and minimize landfill disposal;
- (e) Standardized formats for on-site construction waste management planning and reporting documents; and
- (f) A training and technical assistance plan for public and private building owners and construction industry members, in order to facilitate incorporation of waste management planning and recycling into standard construction industry practice.

(2) By December 15, 2002, the department of general administration shall provide a report to the legislature on the development of the guidelines required by subsection (1) of this section. The report shall include recommendations for incorporating job-site waste management planning and recycling into standard construction industry practice.

**Sec. 2.** RCW 39.04.133 and 1996 c 198 s 5 are each amended to read as follows:

(1) The state's preferences for the purchase and use of recycled content products shall be included as a factor in the design and development of state capital improvement projects.

(2) ~~((Specifications for materials in state construction projects shall include the use of recycled content products and recyclable products whenever practicable))~~ If a construction project receives state public funding, the product standards, as provided in RCW 43.19A.020, shall apply to the materials used in the project, whenever the administering agency and project owner determine that such products would be cost-effective and are readily available.

(3) This section does not apply to contracts entered into by a municipality.

**Sec. 3.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read as follows:

The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources,

blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) Waste reduction must become a fundamental strategy of solid waste management. It is therefore necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility.

(5) Source separation of waste must become a fundamental strategy of solid waste management. Collection and handling strategies should have, as an ultimate goal, the source separation of all materials with resource value or environmental hazard.

(6)(a) It ~~((is the responsibility))~~ should be the goal of every person and business to minimize ~~((his or her))~~ their production of wastes and to separate recyclable or hazardous materials from mixed waste.

(b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically sound. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing mixed municipal solid waste, and recycling programs.

(c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.

(d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and incentives to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities, recognizing the need to provide flexibility to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community; and to provide county and city governments with adequate technical resources to accomplish this responsibility.

(7) Environmental and economic considerations in solving the state's solid waste management problems requires strong consideration by local governments of regional solutions and intergovernmental cooperation.

(8) The following priorities for the collection, handling, and management of solid waste are necessary and should be followed in descending order as applicable:

- (a) Waste reduction;
- (b) Recycling, with source separation of recyclable materials as the preferred method;



(c) Energy recovery, incineration, or landfill of separated waste;  
 (d) Energy recovery, incineration, or ~~((landfilling))~~ landfill of mixed municipal solid wastes.

(9) It is the state's goal to achieve a fifty percent recycling rate by ~~((1995))~~ 2007.

(10) It is the state's goal that programs be established to eliminate residential or commercial yard debris in landfills by 2012 in those areas where alternatives to disposal are readily available and effective.

(11) Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal.

~~((11))~~ (12) It is necessary to compile and maintain adequate data on the types and quantities of solid waste that are being generated and to monitor how the various types of solid waste are being managed.

~~((12))~~ (13) Vehicle batteries should be recycled and the disposal of vehicle batteries into landfills or incinerators should be discontinued.

~~((13))~~ (14) Excessive and nonrecyclable packaging of products should be avoided.

~~((14))~~ (15) Comprehensive education should be conducted throughout the state so that people are informed of the need to reduce, source separate, and recycle solid waste.

~~((15))~~ (16) All governmental entities in the state should set an example by implementing aggressive waste reduction and recycling programs at their workplaces and by purchasing products that are made from recycled materials and are recyclable.

~~((16))~~ (17) To ensure the safe and efficient operations of solid waste disposal facilities, it is necessary for operators and regulators of landfills and incinerators to receive training and certification.

~~((17))~~ (18) It is necessary to provide adequate funding to all levels of government so that successful waste reduction and recycling programs can be implemented.

~~((18))~~ (19) The development of stable and expanding markets for recyclable materials is critical to the long-term success of the state's recycling goals. Market development must be encouraged on a state, regional, and national basis to maximize its effectiveness. The state shall assume primary responsibility for the development of a multifaceted market development program to carry out the purposes of this act.

~~((19))~~ (20) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded tires and other problem wastes with the subsequent conservation of resources and energy.

Sec. 4. RCW 70.95.030 and 1998 c 36 s 17 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

PAGE 153

(1) "City" means every incorporated city and town.

(2) "Commission" means the utilities and transportation commission.

(3) "Committee" means the state solid waste advisory committee.

(4) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

(8) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

(9) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(10) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

(11) "Jurisdictional health department" means city, county, city-county, or district public health department.

(12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(13) "Local government" means a city, town, or county.

(14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

(15) "Multiple family residence" means any structure housing two or more dwelling units.

(16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

(18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(19) "Residence" means the regular dwelling place of an individual or individuals.

(20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.

(21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.

(22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in RCW 70.95.030, but does not include biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

Sec. 5. RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to read as follows:

The director of general administration shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

PAGE 154

(1) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

(2) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;

(3) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;

(4) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;

(5) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;

(6) Determination of what function data processing equipment, including remote terminals, shall perform in statewide purchasing and material control for improvement of service and promotion of economy;

(7) Standardization of records and forms used statewide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions, including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;

(8) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;

(9) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;

(10) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;

(11) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;

(12) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;

(13) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;

(14) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;

(15) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;



(16) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

(17) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;

(18) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

(19) Resolution of all other purchasing and material matters which require the establishment of overall statewide policy for effective and economical supply management;

(20) Development of guidelines and criteria for the purchase of vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002);

(21) Development of goals for state use of recycled or environmentally preferable products through specifications for products and services, processes for requests for proposals and requests for qualifications, contractor selection, and contract negotiations.

**NEW SECTION. Sec. 6.** A new section is added to chapter 81.77 RCW to read as follows:

(1) The commission shall allow solid waste collection companies collecting recyclable materials to retain up to thirty percent of the revenue paid to the companies for the material if the companies submit a plan to the commission that is certified by the appropriate local government authority as being consistent with the local government solid waste plan and that demonstrates how the revenues will be used to increase recycling. The remaining revenue shall be passed to residential customers.

(2) By December 2, 2005, the commission shall provide a report to the legislature that evaluates:

(a) The effectiveness of revenue sharing as an incentive to increase recycling in the state; and

(b) The effect of revenue sharing on costs to customers.

**NEW SECTION. Sec. 7.** The department of ecology shall designate a portion of the responsibilities of existing staff to investigate and draw conclusions by December 31, 2002, on the following:

(1) The use of scrap tires as alternative daily cover for landfills. This shall include, but not be limited to, a review of alternative daily cover specifications that

have been developed by other states, and either an analysis of those specifications' applicability to Washington or recommendations for developing alternative daily cover specifications that are unique to Washington;

(2) The feasibility of establishing and maintaining an incentive program for market development for scrap tires. This shall include, but not be limited to, the results of research into the availability of funding for such a program and proposed criteria for the program that favors projects utilizing higher end value uses of scrap tires.

**NEW SECTION. Sec. 8.** The department of transportation, in consultation with the office of general administration when needed, shall designate a portion of the responsibilities of existing staff to evaluate scrap tire use for civil engineering and highway construction applications by November 30, 2003. The evaluation shall include:

(1) An analysis of the feasibility of using scrap tires in lightweight fills given the standards and specifications adopted by the federal highway administration and other states; and

(2) An analysis of the feasibility of using rubber-modified asphalt in highway projects, including any changes in the cost of such procedures from the costs reported in the department of transportation's 1992 report to the legislature on the use of recycled materials in highway construction.

**NEW SECTION. Sec. 9.** A new section is added to chapter 70.95 RCW to read as follows:

The department of ecology, in conjunction with the appropriate private sector stakeholders, shall track and report annually to the legislature the total increase or reduction of tire recycling or reuse rates in the state for each calendar year and for the cumulative calendar years from the effective date of this act.

Passed the House February 15, 2002.

Passed the Senate March 6, 2002.

Approved by the Governor April 2, 2002.

Filed in Office of Secretary of State April 2, 2002.

## CHAPTER 300

[House Bill 2317]

### INSURANCE—TECHNICAL CHANGES

AN ACT Relating to technical changes to Title 48 RCW; amending RCW 48.87.020, 48.87.040, 48.66.130, 48.07.040, and 48.43.055; and adding a new section to chapter 48.66 RCW.

Be it enacted by the Legislature of the State of Washington:

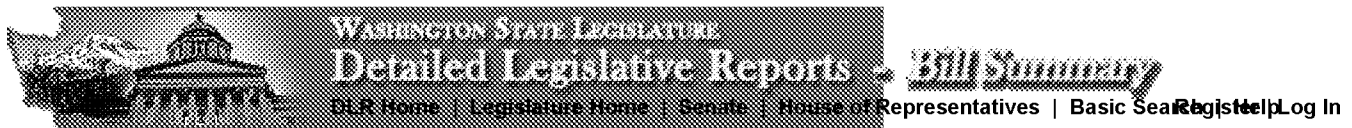
**Sec. 1.** RCW 48.87.020 and 1993 c 112 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.



# Senate Bill 6480

Fifty-Seventh Washington Legislature, Second Session (2002)



Home | [Bill History](#) | [Bill Tracking](#) | [Docs](#) | [Bill Sponsors](#) | [Roll Calls](#) | [BI/OC](#) | [Topical Index](#) | [Selected Step](#) | [Biennium](#) **2001-02**

- List documents before history
- Open documents in a new window

Bill Number

**SB 6480** Encouraging recycling and waste reduction.

Go to documents...

**HISTORY OF BILL: SB 6480**  
**Monday, December 27, 2010 11:38 AM**

[Print Version](#)

Sponsors: Senators [Eide](#), [Morton](#), [Keiser](#), [Winsley](#), [Fraser](#)  
 Companion Bill: [HB 2308](#)

**2002 REGULAR SESSION**

- Jan 18 First reading, referred to Environment, Energy & Water. ([View Original Bill](#))
- Feb 6 EEW - Majority; do pass.  
Passed to Rules Committee for second reading.
- Feb 11 Made eligible to be placed on second reading.
- Feb 12 Placed on second reading by Rules Committee.
- Feb 14 Rules suspended. Placed on Third Reading.  
 Third reading, passed; yeas, 45; nays, 0; absent, 0; excused, 4. ([View Roll Calls](#))

**IN THE HOUSE**

- Feb 15 First reading, referred to Agriculture & Ecology.
- Mar 14 By resolution, returned to Senate Rules Committee for third reading.

Go to history...

**Available Documents**

For a complete list of documents, go to Detailed Legislative Reports [Text of a Legislative Document](#)

Bill Documents	Bill Digests	Bill Reports
Original Bill	Bill Digest	Senate Bill Report

Fiscal Note (Not Available)

---

SENATE BILL 6480

---

State of Washington 57th Legislature

2002 Regular Session

By Senators Eide, Morton, Keiser, Winsley and Fraser

Read first time 01/18/2002. Referred to Committee on Environment,  
Energy & Water.

1 AN ACT Relating to recycling and waste reduction; amending RCW  
2 39.04.133, 70.95.010, 70.95.030, and 43.19.1905; adding a new section  
3 to chapter 81.77 RCW; adding a new section to chapter 70.95 RCW; and  
4 creating new sections.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The department of general administration  
7 shall work with commercial and industrial construction industry  
8 organizations to develop guidelines for implementing on-site  
9 construction waste management planning. The topics addressed in the  
10 guidelines shall include, but shall not be limited to:

11 (a) Standards for identifying the type of wastes generated during  
12 construction;

13 (b) Methods for analyzing the availability and cost-effectiveness  
14 of recycling services for each type of waste;

15 (c) Methods for evaluating construction waste management  
16 alternatives given limited recycling services in rural areas of the  
17 state;

18 (d) Strategies to maximize reuse and recycling of wastes and  
19 minimize landfill disposal;

1 (e) Standardized formats for on-site construction waste management  
2 planning and reporting documents; and

3 (f) A training and technical assistance plan for public and private  
4 building owners and construction industry members, in order to  
5 facilitate incorporation of waste management planning and recycling  
6 into standard construction industry practice.

7 (2) By December 15, 2002, the department of general administration  
8 shall provide a report to the legislature on the development of the  
9 guidelines required by subsection (1) of this section. The report  
10 shall include recommendations for incorporating job-site waste  
11 management planning and recycling into standard construction industry  
12 practice.

13 **Sec. 2.** RCW 39.04.133 and 1996 c 198 s 5 are each amended to read  
14 as follows:

15 (1) The state's preferences for the purchase and use of recycled  
16 content products shall be included as a factor in the design and  
17 development of state capital improvement projects.

18 (2) (~~Specifications for materials in state construction projects~~  
19 ~~shall include the use of recycled content products and recyclable~~  
20 ~~products whenever practicable)) If a construction project receives  
21 state public funding, the product standards, as provided in RCW  
22 43.19A.020, shall apply to the materials used in the project, whenever  
23 the administering agency and project owner determine that such products  
24 would be cost-effective and are readily available.~~

25 (3) This section does not apply to contracts entered into by a  
26 municipality.

27 **Sec. 3.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read  
28 as follows:

29 The legislature finds:

30 (1) Continuing technological changes in methods of manufacture,  
31 packaging, and marketing of consumer products, together with the  
32 economic and population growth of this state, the rising affluence of  
33 its citizens, and its expanding industrial activity have created new  
34 and ever-mounting problems involving disposal of garbage, refuse, and  
35 solid waste materials resulting from domestic, agricultural, and  
36 industrial activities.

1 (2) Traditional methods of disposing of solid wastes in this state  
2 are no longer adequate to meet the ever-increasing problem. Improper  
3 methods and practices of handling and disposal of solid wastes pollute  
4 our land, air and water resources, blight our countryside, adversely  
5 affect land values, and damage the overall quality of our environment.

6 (3) Considerations of natural resource limitations, energy  
7 shortages, economics and the environment make necessary the development  
8 and implementation of solid waste recovery and/or recycling plans and  
9 programs.

10 (4) Waste reduction must become a fundamental strategy of solid  
11 waste management. It is therefore necessary to change manufacturing  
12 and purchasing practices and waste generation behaviors to reduce the  
13 amount of waste that becomes a governmental responsibility.

14 (5) Source separation of waste must become a fundamental strategy  
15 of solid waste management. Collection and handling strategies should  
16 have, as an ultimate goal, the source separation of all materials with  
17 resource value or environmental hazard.

18 (6)(a) It (~~is the responsibility~~) should be the goal of every  
19 person and business to minimize (~~his or her~~) their production of  
20 wastes and to separate recyclable or hazardous materials from mixed  
21 waste.

22 (b) It is the responsibility of state, county, and city governments  
23 to provide for a waste management infrastructure to fully implement  
24 waste reduction and source separation strategies and to process and  
25 dispose of remaining wastes in a manner that is environmentally safe  
26 and economically sound. It is further the responsibility of state,  
27 county, and city governments to monitor the cost-effectiveness and  
28 environmental safety of combusting separated waste, processing mixed  
29 municipal solid waste, and recycling programs.

30 (c) It is the responsibility of county and city governments to  
31 assume primary responsibility for solid waste management and to develop  
32 and implement aggressive and effective waste reduction and source  
33 separation strategies.

34 (d) It is the responsibility of state government to ensure that  
35 local governments are providing adequate source reduction and  
36 separation opportunities and incentives to all, including persons in  
37 both rural and urban areas, and nonresidential waste generators such as  
38 commercial, industrial, and institutional entities, recognizing the  
39 need to provide flexibility to accommodate differing population

1 densities, distances to and availability of recycling markets, and  
2 collection and disposal costs in each community; and to provide county  
3 and city governments with adequate technical resources to accomplish  
4 this responsibility.

5 (7) Environmental and economic considerations in solving the  
6 state's solid waste management problems requires strong consideration  
7 by local governments of regional solutions and intergovernmental  
8 cooperation.

9 (8) The following priorities for the collection, handling, and  
10 management of solid waste are necessary and should be followed in  
11 descending order as applicable:

12 (a) Waste reduction;

13 (b) Recycling, with source separation of recyclable materials as  
14 the preferred method;

15 (c) Energy recovery, incineration, or landfill of separated waste;

16 (d) Energy recovery, incineration, or (~~landfilling~~) landfill of  
17 mixed municipal solid wastes.

18 (9) It is the state's goal to achieve a fifty percent recycling  
19 rate by (~~1995~~) 2007.

20 (10) It is the state's goal that programs be established to  
21 eliminate residential or commercial yard debris in landfills by 2012 in  
22 those areas where alternatives to disposal are readily available and  
23 effective.

24 (11) Steps should be taken to make recycling at least as affordable  
25 and convenient to the ratepayer as mixed waste disposal.

26 (~~(11)~~) (12) It is necessary to compile and maintain adequate data  
27 on the types and quantities of solid waste that are being generated and  
28 to monitor how the various types of solid waste are being managed.

29 (~~(12)~~) (13) Vehicle batteries should be recycled and the disposal  
30 of vehicle batteries into landfills or incinerators should be  
31 discontinued.

32 (~~(13)~~) (14) Excessive and nonrecyclable packaging of products  
33 should be avoided.

34 (~~(14)~~) (15) Comprehensive education should be conducted  
35 throughout the state so that people are informed of the need to reduce,  
36 source separate, and recycle solid waste.

37 (~~(15)~~) (16) All governmental entities in the state should set an  
38 example by implementing aggressive waste reduction and recycling



1 programs at their workplaces and by purchasing products that are made  
2 from recycled materials and are recyclable.

3 ~~((16))~~ (17) To ensure the safe and efficient operations of solid  
4 waste disposal facilities, it is necessary for operators and regulators  
5 of landfills and incinerators to receive training and certification.

6 ~~((17))~~ (18) It is necessary to provide adequate funding to all  
7 levels of government so that successful waste reduction and recycling  
8 programs can be implemented.

9 ~~((18))~~ (19) The development of stable and expanding markets for  
10 recyclable materials is critical to the long-term success of the  
11 state's recycling goals. Market development must be encouraged on a  
12 state, regional, and national basis to maximize its effectiveness. The  
13 state shall assume primary responsibility for the development of a  
14 multifaceted market development program to carry out the purposes of  
15 this act.

16 ~~((19))~~ (20) There is an imperative need to anticipate, plan for,  
17 and accomplish effective storage, control, recovery, and recycling of  
18 discarded tires and other problem wastes with the subsequent  
19 conservation of resources and energy.

20 **Sec. 4.** RCW 70.95.030 and 1998 c 36 s 17 are each amended to read  
21 as follows:

22 As used in this chapter, unless the context indicates otherwise:

23 (1) "City" means every incorporated city and town.

24 (2) "Commission" means the utilities and transportation commission.

25 (3) "Committee" means the state solid waste advisory committee.

26 (4) "Composted material" means organic solid waste that has been  
27 subjected to controlled aerobic degradation at a solid waste facility  
28 in compliance with the requirements of this chapter. Natural decay of  
29 organic solid waste under uncontrolled conditions does not result in  
30 composted material.

31 (5) "Department" means the department of ecology.

32 (6) "Director" means the director of the department of ecology.

33 (7) "Disposal site" means the location where any final treatment,  
34 utilization, processing, or deposit of solid waste occurs.

35 (8) "Energy recovery" means a process operating under federal and  
36 state environmental laws and regulations for converting solid waste  
37 into usable energy and for reducing the volume of solid waste.

1 (9) "Functional standards" means criteria for solid waste handling  
2 expressed in terms of expected performance or solid waste handling  
3 functions.

4 (10) "Incineration" means a process of reducing the volume of solid  
5 waste operating under federal and state environmental laws and  
6 regulations by use of an enclosed device using controlled flame  
7 combustion.

8 (11) "Jurisdictional health department" means city, county, city-  
9 county, or district public health department.

10 (12) "Landfill" means a disposal facility or part of a facility at  
11 which solid waste is placed in or on land and which is not a land  
12 treatment facility.

13 (13) "Local government" means a city, town, or county.

14 (14) "Modify" means to substantially change the design or  
15 operational plans including, but not limited to, removal of a design  
16 element previously set forth in a permit application or the addition of  
17 a disposal or processing activity that is not approved in the permit.

18 (15) "Multiple family residence" means any structure housing two or  
19 more dwelling units.

20 (16) "Person" means individual, firm, association, copartnership,  
21 political subdivision, government agency, municipality, industry,  
22 public or private corporation, or any other entity whatsoever.

23 (17) "Recyclable materials" means those solid wastes that are  
24 separated for recycling or reuse, such as papers, metals, and glass,  
25 that are identified as recyclable material pursuant to a local  
26 comprehensive solid waste plan. Prior to the adoption of the local  
27 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),  
28 local governments may identify recyclable materials by ordinance from  
29 July 23, 1989.

30 (18) "Recycling" means transforming or remanufacturing waste  
31 materials into usable or marketable materials for use other than  
32 landfill disposal or incineration.

33 (19) "Residence" means the regular dwelling place of an individual  
34 or individuals.

35 (20) "Sewage sludge" means a semisolid substance consisting of  
36 settled sewage solids combined with varying amounts of water and  
37 dissolved materials, generated from a wastewater treatment system, that  
38 does not meet the requirements of chapter 70.95J RCW.

1 (21) "Soil amendment" means any substance that is intended to  
2 improve the physical characteristics of the soil, except composted  
3 material, commercial fertilizers, agricultural liming agents,  
4 unmanipulated animal manures, unmanipulated vegetable manures, food  
5 wastes, food processing wastes, and materials exempted by rule of the  
6 department, such as biosolids as defined in chapter 70.95J RCW and  
7 wastewater as regulated in chapter 90.48 RCW.

8 (22) "Solid waste" or "wastes" means all putrescible and  
9 nonputrescible solid and semisolid wastes including, but not limited  
10 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,  
11 demolition and construction wastes, abandoned vehicles or parts  
12 thereof, and recyclable materials.

13 (23) "Solid waste handling" means the management, storage,  
14 collection, transportation, treatment, utilization, processing, and  
15 final disposal of solid wastes, including the recovery and recycling of  
16 materials from solid wastes, the recovery of energy resources from  
17 solid wastes or the conversion of the energy in solid wastes to more  
18 useful forms or combinations thereof.

19 (24) "Source separation" means the separation of different kinds of  
20 solid waste at the place where the waste originates.

21 (25) "Vehicle" includes every device physically capable of being  
22 moved upon a public or private highway, road, street, or watercourse  
23 and in, upon, or by which any person or property is or may be  
24 transported or drawn upon a public or private highway, road, street, or  
25 watercourse, except devices moved by human or animal power or used  
26 exclusively upon stationary rails or tracks.

27 (26) "Waste-derived soil amendment" means any soil amendment as  
28 defined in this chapter that is derived from solid waste as defined in  
29 RCW 70.95.030, but does not include biosolids or biosolids products  
30 regulated under chapter 70.95J RCW or wastewaters regulated under  
31 chapter 90.48 RCW.

32 (27) "Waste reduction" means reducing the amount or toxicity of  
33 waste generated or reusing materials.

34 (28) "Yard debris" means plant material commonly created in the  
35 course of maintaining yards and gardens, and through horticulture,  
36 gardening, landscaping, or similar activities. Yard debris includes  
37 but is not limited to grass clippings, leaves, branches, brush, weeds,  
38 flowers, roots, windfall fruit, vegetable garden debris, holiday trees,  
39 and tree prunings four inches or less in diameter.

1       **Sec. 5.** RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to  
2 read as follows:

3       The director of general administration shall establish overall  
4 state policy for compliance by all state agencies, including  
5 educational institutions, regarding the following purchasing and  
6 material control functions:

7       (1) Development of a state commodity coding system, including  
8 common stock numbers for items maintained in stores for reissue;

9       (2) Determination where consolidations, closures, or additions of  
10 stores operated by state agencies and educational institutions should  
11 be initiated;

12       (3) Institution of standard criteria for determination of when and  
13 where an item in the state supply system should be stocked;

14       (4) Establishment of stock levels to be maintained in state stores,  
15 and formulation of standards for replenishment of stock;

16       (5) Formulation of an overall distribution and redistribution  
17 system for stock items which establishes sources of supply support for  
18 all agencies, including interagency supply support;

19       (6) Determination of what function data processing equipment,  
20 including remote terminals, shall perform in statewide purchasing and  
21 material control for improvement of service and promotion of economy;

22       (7) Standardization of records and forms used statewide for supply  
23 system activities involving purchasing, receiving, inspecting, storing,  
24 requisitioning, and issuing functions, including a standard  
25 notification form for state agencies to report cost-effective direct  
26 purchases, which shall at least identify the price of the goods as  
27 available through the division of purchasing, the price of the goods as  
28 available from the alternative source, the total savings, and the  
29 signature of the notifying agency's director or the director's  
30 designee;

31       (8) Screening of supplies, material, and equipment excess to the  
32 requirements of one agency for overall state need before sale as  
33 surplus;

34       (9) Establishment of warehouse operation and storage standards to  
35 achieve uniform, effective, and economical stores operations;

36       (10) Establishment of time limit standards for the issuing of  
37 material in store and for processing requisitions requiring purchase;

38       (11) Formulation of criteria for determining when centralized  
39 rather than decentralized purchasing shall be used to obtain maximum

PAGE 165

1 benefit of volume buying of identical or similar items, including  
2 procurement from federal supply sources;

3 (12) Development of criteria for use of leased, rather than state  
4 owned, warehouse space based on relative cost and accessibility;

5 (13) Institution of standard criteria for purchase and placement of  
6 state furnished materials, carpeting, furniture, fixtures, and nonfixed  
7 equipment, in newly constructed or renovated state buildings;

8 (14) Determination of how transportation costs incurred by the  
9 state for materials, supplies, services, and equipment can be reduced  
10 by improved freight and traffic coordination and control;

11 (15) Establishment of a formal certification program for state  
12 employees who are authorized to perform purchasing functions as agents  
13 for the state under the provisions of chapter 43.19 RCW;

14 (16) Development of performance measures for the reduction of total  
15 overall expense for material, supplies, equipment, and services used  
16 each biennium by the state;

17 (17) Establishment of a standard system for all state organizations  
18 to record and report dollar savings and cost avoidance which are  
19 attributable to the establishment and implementation of improved  
20 purchasing and material control procedures;

21 (18) Development of procedures for mutual and voluntary cooperation  
22 between state agencies, including educational institutions, and  
23 political subdivisions for exchange of purchasing and material control  
24 services;

25 (19) Resolution of all other purchasing and material matters which  
26 require the establishment of overall statewide policy for effective and  
27 economical supply management;

28 (20) Development of guidelines and criteria for the purchase of  
29 vehicles, alternate vehicle fuels and systems, equipment, and materials  
30 that reduce overall energy-related costs and energy use by the state,  
31 including the requirement that new passenger vehicles purchased by the  
32 state meet the minimum standards for passenger automobile fuel economy  
33 established by the United States secretary of transportation pursuant  
34 to the energy policy and conservation act (15 U.S.C. Sec. 2002);

35 (21) Development of goals for state use of recycled and  
36 environmentally preferable products through specifications for products  
37 and services, processes for requests for proposals and requests for  
38 qualifications, contractor selection, and contract negotiations.

1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 81.77 RCW  
2 to read as follows:

3        (1) The commission shall allow solid waste collection companies  
4 collecting recyclable materials to retain up to thirty percent of the  
5 revenue paid to the companies for the material if the companies submit  
6 a plan to the commission that is certified by the appropriate local  
7 government authority as being consistent with the local government  
8 solid waste plan and that demonstrates how the revenues will be used to  
9 increase recycling.    The remaining revenue shall be passed to  
10 residential customers.

11        (2) By December 2, 2005, the commission shall provide a report to  
12 the legislature that evaluates:

13        (a) The effectiveness of revenue sharing as an incentive to  
14 increase recycling in the state; and

15        (b) The effect of revenue sharing on costs to customers.

16        NEW SECTION.    **Sec. 7.**    The department of ecology shall designate a  
17 portion of the responsibilities of existing staff to investigate and  
18 draw conclusions by December 31, 2002, on the following:

19        (1) The use of scrap tires as alternative daily cover for  
20 landfills.    This shall include, but not be limited to, a review of  
21 alternative daily cover specifications that have been developed by  
22 other states, and either an analysis of those specifications'  
23 applicability to Washington or recommendations for developing  
24 alternative daily cover specifications that are unique to Washington;

25        (2) The feasibility of establishing and maintaining an incentive  
26 program for market development for scrap tires.    This shall include,  
27 but not be limited to, the results of research into the availability of  
28 funding for such a program and proposed criteria for the program that  
29 favors projects utilizing higher end value uses of scrap tires.

30        NEW SECTION.    **Sec. 8.**    The department of transportation, in  
31 consultation with the office of general administration when needed,  
32 shall designate a portion of the responsibilities of existing staff to  
33 evaluate scrap tire use for civil engineering and highway construction  
34 applications by November 30, 2003.    The evaluation shall include:

35        (1) An analysis of the feasibility of using scrap tires in  
36 lightweight fills given the standards and specifications adopted by the  
37 federal highway administration and other states; and

PAGE 167



1 (2) An analysis of the feasibility of using rubber-modified asphalt  
2 in highway projects, including any changes in the cost of such  
3 procedures from the costs reported in the department of  
4 transportation's 1992 report to the legislature on the use of recycled  
5 materials in highway construction.

6 NEW SECTION. **Sec. 9.** A new section is added to chapter 70.95 RCW  
7 to read as follows:

8 The department of ecology, in conjunction with the appropriate  
9 private sector stakeholders, shall track and report annually to the  
10 legislature the total increase or reduction of tire recycling or reuse  
11 rates in the state for each calendar year and for the cumulative  
12 calendar years from the effective date of this act.

--- END ---

# SENATE BILL REPORT

## SB 6480

---

---

As Passed Senate, February 14, 2002

**Title:** An act relating to recycling and waste reduction.

**Brief Description:** Encouraging recycling and waste reduction.

**Sponsors:** Senators Eide, Morton, Keiser, Winsley and Fraser.

**Brief History:**

**Committee Activity:** Environment, Energy & Water: 1/31/02, 2/5/02 [DP].

Passed Senate: 2/14/02, 45-0.

---

### SENATE COMMITTEE ON ENVIRONMENT, ENERGY & WATER

**Majority Report:** Do pass.

Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Keiser, McDonald and Morton.

**Staff:** Genevieve Pisarski (786-7488)

**Background:** The Waste-Not Washington Act of 1989 established a state policy of waste reduction, reuse, and recycling that included a 50 percent recycling rate by 1995, expanded local government solid waste planning, a waste characterization survey, reporting requirements, and regulation of solid waste collection companies.

According to the Department of Ecology, the state's recycling rate reached a high of 39 percent in 1996 and declined to under 33 percent in 1997. The department convened a Recycling Assessment Panel to evaluate the decline and to recommend responses. The panel's report was presented in February 2000 and included recommendations for legislation. Among the recommendations were measures to increase commercial recycling, increase the efficiency of residential recycling, increase organic material recycling, address land-clearing waste, and raise awareness statewide.

**Summary of Bill:** The Department of General Administration must work with the construction industry to develop guidelines for on-site construction waste management, including standards for identifying types of waste, methods for evaluating recycling services and alternatives to recycling, planning methods, and training and technical assistance. The department must report to the Legislature in December 2002.

The adopted product standards for state purchasing of recycled products apply to any state-funded construction project, whenever the administering agency and project owner determine that such products are cost-effective and readily available.

The state goal to achieve a 50 percent recycling rate is extended to 2007.

PAGE 169

A state goal of establishing programs to eliminate residential yard debris in landfills by 2012 is adopted for areas where alternatives to disposal are readily available and effective. A definition of yard debris is adopted.

The Department of General Administration is directed to develop goals and procedures for state use of recycled and environmentally preferable products.

Solid waste collection companies are allowed to retain up to 30 percent of the revenue they receive for recyclable materials, if they submit a plan that is consistent with local solid waste management plans and that shows how they will use that revenue to increase recycling. The remaining revenue is passed to residential customers. The Utilities and Transportation Commission must evaluate the effectiveness of this incentive and its effect on cost to customers and report to the Legislature in 2005.

The Department of Ecology is directed to evaluate by December 31, 2002, the use of scrap tires as alternative daily cover for landfills and the feasibility of establishing and maintaining an incentive program for scrap tire market development.

The Department of Ecology is required to work with stakeholders to track tire recycling and report annually.

The Department of Transportation is directed to evaluate the use of scrap tires in civil engineering and highway construction applications and report to the Legislature by November 30, 2003.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.


**Testimony For:** This bill embodies the work of a large coalition that has identified and addressed concerns. The construction industry is in support and believes that guidelines for managing construction waste on state projects will eventually create more opportunities to recycle residential construction waste.

**Testimony Against:** None.

**Testified:** Gene Eckhardt, WUTC (neutral); Cullen Stephenson, Dept. of Ecology (pro); Willy O'Neil, AGC of Wash. (pro).

# House Bill 2539


Sixty-First Washington Legislature, Second Session (2010)


**WASHINGTON STATE LEGISLATURE**  
**Detailed Legislative Reports** - *Bill Summary*  
[DLR Home](#) | [Legislature Home](#) | [Senate](#) | [House of Representatives](#) | [Basic Search](#) | [Register](#) | [Log In](#)  
[Home](#) | [Bill History](#) | [Bill Tracking](#) | [Docs](#) | [Bill Sponsors](#) | [Roll Calls](#) | [BI/OC](#) | [Topical Index](#) | [Selected Step](#)

List documents before history  
 Open documents in a new window

Bill Number

Biennium

**HB 2539**  Optimizing the collection of source separated materials.

Go to documents...

**HISTORY OF BILL: HB 2539**  
**Tuesday, December 28, 2010 12:25 PM**

 [Print Version](#)

Sponsors: Representative [Upthegrove](#)

**2010 REGULAR SESSION**

- Jan 5 Prefiled for introduction.  
 Jan 11 First reading, referred to Ecology & Parks. ([View Original Bill](#))  
 Jan 15 Public hearing in the House Committee on Ecology & Parks at 8:00 AM. ([Committee Materials](#))  
 Jan 29 Executive action taken in the House Committee on Ecology & Parks at 8:00 AM. ([Committee Materials](#))  
 EPAR - Executive action taken by committee.  
**EPAR - Majority; 1st substitute bill be substituted, do pass.** ([View 1st Substitute](#))  
 ([Majority Report](#))  
 Minority; do not pass. ([Minority Report](#))  
 Feb 2 Referred to Ways & Means.  
 Feb 6 Public hearing in the House Committee on Ways & Means at 9:00 AM. ([Committee Materials](#))  
 Feb 8 Executive action taken in the House Committee on Ways & Means at 9:00 AM. ([Committee Materials](#))  
 WAYS - Executive action taken by committee.  
**WAYS - Majority; 2nd substitute bill be substituted, do pass.** ([View 2nd Substitute](#))  
 ([Majority Report](#))  
 Minority; do not pass. ([Minority Report](#))  
 Feb 9 Passed to Rules Committee for second reading.  
 Feb 13 Rules Committee relieved of further consideration. Placed on second reading.  
 Feb 15 **2nd substitute bill substituted (WAYS 10).** ([View 2nd Substitute](#))  
 Floor amendment(s) adopted.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed; yeas, 96; nays, 1; absent, 0; excused, 1. ([View Roll Calls](#))  
 ([View 1st Engrossed](#))

**IN THE SENATE**

- Feb 17 First reading, referred to Environment, Water & Energy.  
 Feb 23 Public hearing in the Senate Committee on Environment and Water & Energy at 10:00 AM.  
 Feb 24 Public hearing in the Senate Committee on Environment and Water & Energy at 1:30 PM.  
 Feb 26 Executive action taken in the Senate Committee on Environment and Water & Energy at 8:00 AM.

**PAGE 172**

ENVE - Majority; do pass. ([Majority Report](#))

Passed to Rules Committee for second reading.

Mar 4 Placed on second reading by Rules Committee.

Mar 5 Rules suspended. Placed on Third Reading.

Third reading, passed; yeas, 48; nays, 0; absent, 0; excused, 1. ([View Roll Calls](#))

**IN THE HOUSE**

Mar 10 Speaker signed.

**IN THE SENATE**

President signed.

**OTHER THAN LEGISLATIVE ACTION**

Mar 11 Delivered to Governor. ([View Bill as Passed Legislature](#))

Mar 22 Governor signed.

Chapter 154, 2010 Laws. ([View Session Law](#))

Effective date 6/10/2010.

Go to history...

**Available Documents**

For a complete list of documents, go to Detailed Legislative Reports [Text of a Legislative Document](#)

Bill Documents	Bill Digests	Bill Reports
Original Bill	Bill Digest	House Bill Analysis 2010
Substitute Bill (EPAR 10)	Substitute Bill Digest	House Bill Report
Second Substitute (WAYS 10)	Second Substitute Bill Digest	Engrossed Second Substitute Senate Bill Report (Orig.)
Engrossed Second Substitute		Engrossed Second Substitute Senate Bill Report
Bill as Passed Legislature Session Law		Engrossed Second Substitute House Bill Report
		Final Bill Report

**Amendments**

<u>Amendment Name</u>	<u>Num</u>	<u>Sponsor</u>	<u>Type</u>	<u>Description</u>	<u>Action</u>
2539-S2 AMH SHOR H5236.1	1199	Short	Floor	Pg 2 Ln 6	ADOPTED 02/15/2010
2539-S2 AMH UPTH FORD 297	1193	Upthegrove	Floor	Pg 3 Ln 32	WITHDRAWN 02/15/2010

Fiscal Note (Available)

[Get Fiscal Note](#)



---

HOUSE BILL 2539

---

State of Washington

61st Legislature

2010 Regular Session

By Representative Upthegrove

Prefiled 01/05/10. Read first time 01/11/10. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to optimizing the collection of source separated  
2 materials within the current regulatory structure; amending RCW  
3 70.95.080, 70.95.090, 70.95.110, 81.77.185, and 35.21.157; adding a new  
4 section to chapter 81.77 RCW; and creating new sections.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** Increasing available residential curbside  
7 service for solid waste, recyclable, and compostable materials provides  
8 enumerable public benefits for all of Washington. Not only will  
9 increased service provide better system-wide efficiency, but it will  
10 also result in job creation, pollution reduction, and energy  
11 conservation, all of which serve to improve the quality of life in  
12 Washington communities.

13 It is therefore the intent of the legislature that Washington  
14 strive to increase current residential recycling rates by an additional  
15 thirty percent by 2020.

16 **Sec. 2.** RCW 70.95.080 and 1985 c 448 s 17 are each amended to read  
17 as follows:

18 (1) Each county within the state, in cooperation with the various

1 cities located within such county, shall prepare a coordinated,  
2 comprehensive solid waste management plan. Such plan may cover two or  
3 more counties. The purpose is to plan for solid waste and materials  
4 reduction, collection, and handling and management services and  
5 programs throughout the state, as designed to meet the unique needs of  
6 each county and city in the state. The objective of local  
7 comprehensive plans is to ensure the following required handling  
8 methods or services occur:

9 (a) Source separation of recyclable materials and products, organic  
10 materials, and wastes by generators;

11 (b) Collection of source separated materials;

12 (c) Handling and proper preparation of materials for reuse or  
13 recycling;

14 (d) Handling and proper preparation of organic materials for  
15 composting or anaerobic digestions; and

16 (e) Handling and proper disposal of nonrecyclable wastes.

17 (2) At a minimum, each plan must identify methods that will be used  
18 to address the following:

19 (a) Construction and demolition waste for recycling or reuse;

20 (b) Organic material including yard debris, food waste, and food  
21 contaminated paper products for composting or anaerobic digestion;

22 (c) Recoverable paper products for recycling;

23 (d) Container metals and plastics for recycling; and

24 (e) Waste reduction strategies.

25 (3) Each city shall:

26 ~~((1))~~ (a) Prepare and deliver to the county auditor of the county  
27 in which it is located its plan for its own solid waste management for  
28 integration into the comprehensive county plan; ~~((or~~

29 ~~(2))~~ (b) Enter into an agreement with the county pursuant to which  
30 the city shall participate in preparing a joint city-county plan for  
31 solid waste management; or

32 ~~((3))~~ (c) Authorize the county to prepare a plan for the city's  
33 solid waste management for inclusion in the comprehensive county plan.

34 (4) Two or more cities may prepare a plan for inclusion in the  
35 county plan. With prior notification of its home county of its intent,  
36 a city in one county may enter into an agreement with a city in an  
37 adjoining county, or with an adjoining county, or both, to prepare a

1 joint plan for solid waste management to become part of the  
2 comprehensive plan of both counties.

3 (5) After consultation with representatives of the cities and  
4 counties, the department shall establish a schedule for the development  
5 of the comprehensive plans for solid waste management. In preparing  
6 such a schedule, the department shall take into account the probable  
7 cost of such plans to the cities and counties.

8 (6) Local governments shall not be required to include a hazardous  
9 waste element in their solid waste management plans.

10 **Sec. 3.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to read  
11 as follows:

12 Each county and city comprehensive solid waste management plan  
13 shall include the following:

14 (1) A detailed inventory and description of all existing solid  
15 waste handling facilities including an inventory of any deficiencies in  
16 meeting current solid waste handling needs.

17 (2) The estimated long-range needs for solid waste handling  
18 facilities projected twenty years into the future.

19 (3) A program for the orderly development of solid waste handling  
20 facilities in a manner consistent with the plans for the entire county  
21 which shall:

22 (a) Meet the minimum functional standards for solid waste handling  
23 adopted by the department and all laws and regulations relating to air  
24 and water pollution, fire prevention, flood control, and protection of  
25 public health;

26 (b) Take into account the comprehensive land use plan of each  
27 jurisdiction;

28 (c) Contain a six year construction and capital acquisition program  
29 for solid waste handling facilities; and

30 (d) Contain a plan for financing both capital costs and operational  
31 expenditures of the proposed solid waste management system.

32 (4) A program for surveillance and control.

33 (5) A current inventory and description of solid waste collection  
34 needs and operations within each respective jurisdiction which shall  
35 include:

36 (a) Any franchise for solid waste collection granted by the

1 utilities and transportation commission in the respective jurisdictions  
2 including the name of the holder of the franchise and the address of  
3 his or her place of business and the area covered by the franchise;

4 (b) Any city solid waste operation within the county and the  
5 boundaries of such operation;

6 (c) The population density of each area serviced by a city  
7 operation or by a franchised operation within the respective  
8 jurisdictions;

9 (d) The projected solid waste collection needs for the respective  
10 jurisdictions for the next six years.

11 (6) A comprehensive waste reduction and recycling element that, in  
12 accordance with the priorities established in RCW 70.95.010, provides  
13 programs that: (a) Reduce the amount of waste generated~~((τ))~~; (b)  
14 ~~((provide incentives and mechanisms for))~~ offer source separation~~((τ))~~;  
15 and (c) establish reuse and recycling opportunities for the source  
16 separated ((waste)) recyclable materials and products and organic  
17 materials.

18 (7) The waste reduction and recycling element shall include the  
19 following:

20 (a) Waste reduction strategies;

21 (b) Source separation strategies, including:

22 (i) In counties identified under RCW 70.95.110(2), programs for the  
23 collection of source separated materials from residences in urban and  
24 rural areas. In urban areas, these programs shall include collection  
25 of source separated recyclable materials and products, organic  
26 materials, and wastes from single and multiple family residences~~((τ~~  
27 ~~unless the department approves an alternative program, according to the~~  
28 ~~criteria in the planning guidelines. Such criteria shall include:~~  
29 ~~Anticipated recovery rates and levels of public participation,~~  
30 ~~availability of environmentally sound disposal capacity, access to~~  
31 ~~markets for recyclable materials, unreasonable cost impacts on the~~  
32 ~~ratepayer over the six-year planning period, utilization of~~  
33 ~~environmentally sound waste reduction and recycling technologies, and~~  
34 ~~other factors as appropriate)). The department may approve a less~~  
35 ~~comprehensive program in designated subareas of a county in which~~  
36 ~~recycling, waste, and organic material collection would be impractical.~~  
37 ~~After seeking input from citizens and stakeholders, affected counties~~  
38 ~~shall provide the department with sufficient evidence that each~~

1 specific subarea would have either (A) unreasonable cost impacts on the  
2 ratepayer over the six-year planning period; or (B) inaccessible  
3 service areas. In rural areas, these programs shall include but not be  
4 limited to drop-off boxes, buy-back centers, or a combination of both,  
5 at each solid waste transfer, processing, or disposal site, or at  
6 locations convenient to the residents of the county. The drop-off  
7 boxes and buy-back centers may be owned or operated by public,  
8 nonprofit, or private persons;

9 (ii) Programs to monitor the collection of source separated  
10 ~~((waste))~~ recyclable materials and products, organic materials, and  
11 wastes at nonresidential sites where there is sufficient density to  
12 sustain a program; and

13 ~~((Programs to collect yard waste, if the county or city~~  
14 ~~submitting the plan finds that there are adequate markets or capacity~~  
15 ~~for composted yard waste within or near the service area to consume the~~  
16 ~~majority of the material collected; and~~

17 ~~(iv))~~ Programs to educate ~~((and promote the concepts of waste~~  
18 ~~reduction and recycling))~~ ratepayers and other generators about waste  
19 reduction, recycling, solid waste, and the collection programs  
20 available within the jurisdiction;

21 ~~((Recycling strategies, including a description of markets for~~  
22 ~~recyclables,))~~ A review of waste generation trends~~((,))~~ and a  
23 description of waste composition~~((, a))~~;

24 (d) A discussion and description of existing programs and any  
25 additional programs needed to assist public and private sector  
26 ~~((recycling, and))~~ participation in source separation and collection  
27 programs and services;

28 (e) An implementation schedule for the ~~((designation of specific~~  
29 ~~materials to be collected for recycling, and for the))~~ provision of  
30 ~~((recycling))~~ collection services; and

31 ~~((d))~~ (f) Other information the county or city submitting the  
32 plan determines is necessary.

33 (8) An assessment of the plan's impact on the costs of solid waste  
34 collection. The assessment shall be prepared in conformance with  
35 guidelines established by the utilities and transportation commission.  
36 The commission shall cooperate with the Washington state association of  
37 counties and the association of Washington cities in establishing such  
38 guidelines.

1 (9) A review of potential areas that meet the criteria as outlined  
2 in RCW 70.95.165.

3 (10) In counties identified under RCW 70.95.110(2), a program  
4 allowing an individual single-family residence to opt out of all  
5 curbside collection services. The program must inform the residence  
6 that opting out of curbside collection service includes opting out of  
7 all three collection services, including recycling, organic, and solid  
8 waste collection.

9 (11) In counties identified under RCW 70.95.110(2), a financial  
10 assistance program for services provided to low-income customers. For  
11 the purposes of this section, "low-income" means a single person,  
12 family, or unrelated persons living together whose household adjusted  
13 income is less than fifty percent of the median family income, adjusted  
14 for household size, for the county where the services are provided.

15 **Sec. 4.** RCW 70.95.110 and 1991 c 298 s 4 are each amended to read  
16 as follows:

17 (1)(a) The local comprehensive ((county)) solid waste management  
18 plans ((and any comprehensive city solid waste management plans))  
19 prepared in accordance with RCW 70.95.080 shall be maintained in a  
20 current condition and reviewed and revised periodically by counties and  
21 cities as may be required by the department. Upon each review such  
22 plans shall be extended to show long-range needs for solid waste  
23 handling facilities for twenty years in the future, and a revised  
24 construction and capital acquisition program for six years in the  
25 future. Each revised solid waste management plan shall be submitted to  
26 the department.

27 (b) Each plan shall be reviewed and revised within five years of  
28 July 1, ((1984)) 2011, and thereafter shall be reviewed every five  
29 years, and revised if necessary according to the schedule provided in  
30 subsection (2) of this section.

31 ~~(2) ((Cities and counties preparing solid waste management plans~~  
32 ~~shall submit the waste reduction and recycling element required in RCW~~  
33 ~~70.95.090 and any revisions to other elements of its comprehensive~~  
34 ~~solid waste management plan to the department no later than:~~

35 ~~(a) July 1, 1991, for class one areas: PROVIDED, That portions~~  
36 ~~relating to multiple family residences shall be submitted no later than~~  
37 ~~July 1, 1992;~~



1 ~~(b) July 1, 1992, for class two areas; and~~

2 ~~(c) July 1, 1994, for class three areas.~~

3 ~~Thereafter, each plan shall be reviewed and revised, if necessary,~~  
4 ~~at least every five years. Nothing in chapter 431, Laws of 1989 shall~~  
5 ~~prohibit local governments from submitting a plan prior to the dates~~  
6 ~~listed in this subsection.)) The updated plans are due according to the~~  
7 ~~planning schedule in this subsection and must include a description of~~  
8 ~~collection services for all contiguous incorporated and unincorporated~~  
9 ~~areas with a population density of three hundred thirty-three persons~~  
10 ~~per square mile:~~

11 (a) July 1, 2012, for the counties of Clark, King, Kitsap, Pierce,  
12 Snohomish, and Spokane and all the cities therein;

13 (b) July 1, 2013, for the counties of Benton, Franklin, Walla  
14 Walla, and Yakima and all the cities therein;

15 (c) July 1, 2014, for the counties of Cowlitz, Grays Harbor,  
16 Island, Lewis, Mason, Skagit, Thurston, and Whatcom and all the cities  
17 therein; and

18 (d) July 1, 2015, for the counties of Chelan, Clallam, and Grant  
19 and all the cities therein.

20 (3) ~~((The classes of areas are defined as follows:~~

21 ~~(a) Class one areas are the counties of Spokane, Snohomish, King,~~  
22 ~~Pierce, and Kitsap and all the cities therein.~~

23 ~~(b) Class two areas are all other counties located west of the~~  
24 ~~crest of the Cascade mountains and all the cities therein.~~

25 ~~(c) Class three areas are the counties east of the crest of the~~  
26 ~~Cascade mountains and all the cities therein, except for Spokane~~  
27 ~~county.)) (a) Participation in source separation and collection~~  
28 ~~services as required by this chapter is optional for:~~

29 (i) The counties of Adams, Asotin, Douglas, Ferry, Garfield,  
30 Jefferson, Kittitas, Klickitat, Whitman, Lincoln, Pacific, Pend  
31 Oreille, Okanogan, Columbia, San Juan, Skamania, Stevens, and  
32 Wahkiakum. This does not exempt these planning jurisdictions from  
33 reviewing and updating as necessary their plans at least every five  
34 years; and

35 (ii) Any city with a population of one thousand five hundred or  
36 fewer that is only bordered by an unincorporated area of a county  
37 within the counties required to write plan updates.

1 (b) If these jurisdictional areas do choose to participate, their  
2 plans are due by July 1, 2016.

3 (4) Cities and counties shall begin implementing the programs to  
4 collect source separated materials no later than one year following the  
5 adoption and approval of the waste reduction and recycling element and  
6 these programs shall be fully implemented within two years of approval.

7 **Sec. 5.** RCW 81.77.185 and 2002 c 299 s 6 are each amended to read  
8 as follows:

9 (1) The commission shall allow solid waste collection companies  
10 collecting recyclable materials to retain up to (~~thirty~~) fifty  
11 percent of the revenue paid to the companies for the material if the  
12 companies submit a plan to the commission that is certified by the  
13 appropriate local government authority as being consistent with the  
14 local government solid waste plan and that demonstrates how the  
15 revenues will be used to increase recycling. The remaining revenue  
16 shall be passed to residential customers.

17 (2) By December 2, 2005, the commission shall provide a report to  
18 the legislature that evaluates:

19 (a) The effectiveness of revenue sharing as an incentive to  
20 increase recycling in the state; and

21 (b) The effect of revenue sharing on costs to customers.

22 **Sec. 6.** RCW 35.21.157 and 1994 c 161 s 2 are each amended to read  
23 as follows:

24 (1) A city that contracts for the collection of solid waste, or  
25 provides for the collection of solid waste directly, shall notify the  
26 public of each proposed rate increase for a solid waste handling  
27 service. The notice may be mailed to each affected ratepayer or  
28 published once a week for two consecutive weeks in a newspaper of  
29 general circulation in the collection area. The notice shall be  
30 available to affected ratepayers at least forty-five days prior to the  
31 proposed effective date of the rate increase.

32 (2) Each city that participates in source separation and collection  
33 services that contracts for the collection of solid waste, recycling,  
34 or organic waste or provides for the collection of solid waste,  
35 recycling, or organic waste directly, shall offer a financial  
36 assistance program for services provided to low-income customers. For

1 the purposes of this section, "low-income" means a single person,  
2 family, or unrelated persons living together whose household adjusted  
3 income is less than fifty percent of the median family income, adjusted  
4 for household size, for the county where the services are provided.

5 (3) For purposes of this section, "solid waste handling" has the  
6 same meaning as provided in RCW 70.95.030.

7 NEW SECTION. Sec. 7. A new section is added to chapter 81.77 RCW  
8 to read as follows:

9 Upon request by a solid waste collection company, or other party to  
10 a general rate case hearing, the commission may approve rates, charges,  
11 or services at a discount for low-income senior customers and low-  
12 income customers. Expenses and lost revenues as a result of these  
13 discounts must be included in the company's cost of service and  
14 recovered in rates to other customers.

15 NEW SECTION. Sec. 8. Nothing in this act changes or limits the  
16 authority of the Washington utilities and transportation commission to  
17 regulate collection of solid waste, including curbside collection of  
18 residential recyclable materials, nor does this act change or limit the  
19 authority of a city or town to provide such service itself or by  
20 contract under RCW 81.77.020.

--- END ---

# SENATE BILL REPORT

## E2SHB 2539

---

---

As of February 25, 2010

**Title:** An act relating to optimizing the collection of source separated materials within the current regulatory structure.

**Brief Description:** Optimizing the collection of source separated materials.

**Sponsors:** House Committee on Ways & Means (originally sponsored by Representative Upthegrove).

**Brief History:** Passed House: 2/15/10, 96-1.

**Committee Activity:** Environment, Water & Energy: 2/23/10, 2/24/10.

---

### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Staff:** Jan Odano (786-7486)

**Background:** Local governments must prepare a coordinated, comprehensive solid waste management plan for solid waste handling, recovery, and recycling that can be integrated into the comprehensive county plan. Solid waste management plans must include a waste reduction and recycling element, which must include waste reduction and source separation strategies. The source separation strategies must include programs for collecting source separated materials from urban and rural residences. The local solid waste management plan includes the levels of service for both urban and rural areas.

The Department of Ecology (DOE) must review local solid waste management plans. The Utilities and Transportation Commission (UTC) reviews the preliminary draft plan to assess the cost of solid waste collection and its impacts on rates charged by regulated solid waste collection companies. The UTC provides advice on the probable effects of the plan's recommendations. Both DOE and UTC must provide technical assistance. Once approved, each local solid waste management plan must be reviewed and revised periodically.

Solid waste collection companies may retain 30 percent of the revenue received from recyclable materials, if the companies have submitted a plan to the UTC demonstrating how recycling will be increased. The remaining revenue is passed on to the residential customer.

**Summary of Bill:** To meet the unique needs of counties and cities, each county must prepare a comprehensive solid waste management plan for solid waste and materials

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

reduction, collections, and handling, and management services and programs. When updating a solid waste management plan, local comprehensive plans must consider and plan for handling methods or services that include:

- source separation of recyclable materials and products, organic materials, and wastes by generators;
- collection of source separated materials;
- handling and proper preparation of organic materials for composting or anaerobic digestion; and
- handling and proper disposal of nonrecyclable wastes.

In addition, when updating a solid waste management plan, local comprehensive plans must at least consider methods to address:

- construction demolition waste for recycling or reuse;
- organic material including yard debris, food waste, and food contaminated paper products for composting or anaerobic digestion;
- recoverable paper products for recycling;
- metals, glass, and plastics for recycling; and
- waste reduction strategies.

The UTC must allow solid waste collection companies, which have submitted a plan to the UTC demonstrating how recycling will be increased, to retain up to 50 percent of the revenue received from recyclable materials.

A county may request the UTC to approve discount rates, charges, or services for low-income senior customers and low-income customers, as adopted in the comprehensive solid waste management plan. The expenses and lost revenues must be included in the company's cost of service and recovered in rates to other customers.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This provides increased flexibilities to local governments to develop local solid waste management plans. The revenue sharing must go back into increasing recycling elements. Collecting more recyclables would help to reduce carbon emissions as also described by the 2008 Beyond Waste Working Group. The bill is a step forward in solid waste management and collection.

**Persons Testifying:** PRO: Representative Upthegrove, prime sponsor; Vickie Christopherson, Washington Refuse and Recycling Association; Ashley Probart, Association of Washington Cities.

# HOUSE BILL REPORT

## E2SHB 2539

---

### As Passed Legislature

**Title:** An act relating to optimizing the collection of source separated materials within the current regulatory structure.

**Brief Description:** Optimizing the collection of source separated materials.

**Sponsors:** House Committee on Ways & Means (originally sponsored by Representative Upthegrove).

#### **Brief History:**

##### **Committee Activity:**

Ecology & Parks: 1/15/10, 1/29/10 [DPS];

Ways & Means: 2/6/10, 2/8/10 [DP2S(w/o sub EPAR)].

##### **Floor Activity:**

Passed House: 2/15/10, 96-1.

Passed Senate: 3/5/10, 48-0.

Passed Legislature.

#### **Brief Summary of Engrossed Second Substitute Bill**

- Requires each solid waste management plan to consider and plan for solid waste reduction, collection, handling, and management services.
- Allows solid waste collection companies collecting recyclable materials to retain up to 50 percent of the revenue paid to the companies for the recyclable material.

---

### HOUSE COMMITTEE ON ECOLOGY & PARKS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase, Dickerson, Dunshee, Eddy, Finn and Hudgins.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Orcutt, Shea and Taylor.

**Staff:** Jaclyn Ford (786-7339).

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*



---

## HOUSE COMMITTEE ON WAYS & MEANS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Ecology & Parks. Signed by 18 members: Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody, Conway, Darneille, Haigh, Hunt, Hunter, Kagi, Kenney, Kessler, Pettigrew, Priest and Seaquist.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Chandler, Hinkle, Ross and Schmick.

**Staff:** Sara del Moral (786-7118).

### **Background:**

Local governments are required to prepare a coordinated, comprehensive solid waste management plan that can be integrated into the comprehensive county plan. Each solid waste plan must include a waste reduction and recycling element. The waste reduction and recycling element of each local comprehensive solid waste management plan includes the levels of service for both urban and rural areas; the counties and cities determine which areas should be designated as urban or rural.

Each solid waste management plan is submitted to the Department of Ecology (DOE) for approval. The DOE then provides the Utilities and Transportation Commission (UTC) with a copy of the plan. The UTC reviews the plan's assessment of the cost of solid waste collection and its impacts on rates charged by regulated solid waste collection companies, and provides advice on the probable effects of the plan's recommendations. Both the DOE and the UTC must provide technical assistance when necessary.

Once approved, each solid waste management plan must be maintained in a current condition and reviewed and revised periodically.

### **Summary of Engrossed Second Substitute Bill:**

In the comprehensive solid waste management plan, each county within the state must plan for solid waste and materials reduction, collection, and handling and management services and programs throughout the state, as designed to meet the unique needs of each county and city. When updating a solid waste management plan, local comprehensive plans must consider and plan for the following handling methods or services:

- source separation of recyclable materials and products, organic materials, and wastes by generators;
- collection of source separated materials;
- handling and proper preparation of materials for reuse or recycling;
- handling and proper preparation of organic materials for composting or anaerobic digestion; and
- handling and proper disposal of nonrecyclable wastes.

In addition, when updating a solid waste management plan, each plan must consider methods that will be used to address the following:

- construction and demolition waste for recycling or reuse;
- organic material including yard debris, food waste, and food contaminated paper products for composting or anaerobic digestion;
- recoverable paper products for recycling;
- metals, glass, and plastics for recycling; and
- waste reduction strategies.

Upon request of a county, the UTC may approve rates, charges, or services at a discount for low-income senior customers and low-income customers, as adopted by the county in its comprehensive solid waste management plan. Expenses and lost revenues as a result of these discounts must be included in the company's cost of service and recovered in rates to other customers.

The UTC must allow solid waste collection companies collecting recyclable materials to retain up to 50 percent of the revenue paid to the companies for the recyclable material if the companies submit a plan to the UTC that is certified by the appropriate local government authority as being consistent with the local government solid waste plan and that plan demonstrates how those revenues will be used to increase recycling.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony (Ecology & Parks):**

(In support) The goal of the bill is to increase recycling. This bill will have positive benefits on recycling. Some of the ideas found in this bill came out of the Governor's Climate Action Team recommendations. This bill would promote better efficiency in collection and increase recycling in the state. Revenue sharing is a voluntary tool that can be used by local government to increase recycling. Increases to the amount collected by haulers would be an effective tool for increasing recycling in the state. Increasing the revenue sharing also will allow additional infrastructure and services.

(With concerns) The rate impacts that would occur from the revenue sharing on consumers is about 45 cents per month. The opt-outs should be done at the county level. The financial assistance program needs some technical amendments. Calculating an increase in residential recycling would be difficult to ascertain since those numbers are not calculated just for residential recycling. Commercial recycling should also be incentivized. Some counties have just gone through their comprehensive plans, so the bill should be tied to the five-year updates instead of a set date. Curbside programs are effective for increasing recycling. Local jurisdictions should be able to choose which materials should be collected curbside. Some materials may not be suitable for curbside collection, such as bulky items or hazardous materials. Decision making should be local and not centralized. The organics piece in the

bill should be more flexible. The low-income assistance program should have a different definition.

(Opposed) None.

**Staff Summary of Public Testimony (Ways & Means):**

(In support) This bill is a result of the 2008 Climate Action Team recommendations for reducing greenhouse gas emissions from solid waste. Increasing recycling rates is a low-hanging fruit for reducing emissions. This bill helps optimize the current solid waste system. This bill offers flexibility to local governments, who can decide how to implement updated solid waste plans. It will increase recycling rates.

(Opposed) None.

**Persons Testifying (Ecology & Parks):** (In support) Representative Upthegrove, prime sponsor; Vicki Christophersen, Washington Refuse and Recycling Association; and David Michener, Waste Management.

(With concerns) Dave Danner, Utilities and Transportation Commission; Laurie Davies, Department of Ecology; Suellen Mele, Washington Citizens for Resource Conservation; Steve McGonigal, Washington State Recycling Association; and Ashley Probart, Association of Washington Cities.

**Persons Testifying (Ways & Means):** Vicki Christopherson, Washington Refuse and Recycling Association.

**Persons Signed In To Testify But Not Testifying (Ecology & Parks):** None.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** None.

# FINAL BILL REPORT

## E2SHB 2539

---

---

C 154 L 10  
Synopsis as Enacted

**Brief Description:** Optimizing the collection of source separated materials.

**Sponsors:** House Committee on Ways & Means (originally sponsored by Representative Upthegrove).

**House Committee on Ecology & Parks**  
**House Committee on Ways & Means**  
**Senate Committee on Environment, Water & Energy**

**Background:**

Local governments are required to prepare a coordinated, comprehensive solid waste management plan that can be integrated into the comprehensive county plan. Each solid waste plan must include a waste reduction and recycling element. The waste reduction and recycling element of each local comprehensive solid waste management plan includes the levels of service for both urban and rural areas; the counties and cities determine which areas should be designated as urban or rural.

Each solid waste management plan is submitted to the Department of Ecology (DOE) for approval. The DOE then provides the Utilities and Transportation Commission (UTC) with a copy of the plan. The UTC reviews the plan's assessment of the cost of solid waste collection and its impacts on rates charged by regulated solid waste collection companies and provides advice on the probable effects of the plan's recommendations. Both the DOE and the UTC must provide technical assistance when necessary.

Once approved, each solid waste management plan must be maintained in a current condition and reviewed and revised periodically.

**Summary:**

In the comprehensive solid waste management plan, each county within the state must plan for solid waste and materials reduction, collection, and handling and management services and programs throughout the state, as designed to meet the unique needs of each county and city. When updating a solid waste management plan, local comprehensive plans must consider and plan for the following handling methods or services:

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- source separation of recyclable materials and products, organic materials, and wastes by generators;
- collection of source separated materials;
- handling and proper preparation of materials for reuse or recycling;
- handling and proper preparation of organic materials for composting or anaerobic digestion; and
- handling and proper disposal of nonrecyclable wastes.

In addition, when updating a solid waste management plan, each plan must consider methods that will be used to address the following:

- construction and demolition waste for recycling or reuse;
- organic material including yard debris, food waste, and food contaminated paper products for composting or anaerobic digestion;
- recoverable paper products for recycling;
- metals, glass, and plastics for recycling; and
- waste reduction strategies.

Upon request of a county, the UTC may approve rates, charges, or services at a discount for low-income senior customers and low-income customers, as adopted by the county in its comprehensive solid waste management plan. Expenses and lost revenues as a result of these discounts must be included in the company's cost of service and recovered in rates to other customers.

The UTC must allow solid waste collection companies collecting recyclable materials to retain up to 50 percent of the revenue paid to the companies for the recyclable material if the companies submit a plan to the UTC that is certified by the appropriate local government authority as being consistent with the local government solid waste plan and that plan demonstrates how those revenues will be used to increase recycling.

**Votes on Final Passage:**

House	96	1
Senate	48	0

**Effective:** June 10, 2010

2010

SESSION LAWS

OF THE

STATE OF WASHINGTON

REGULAR SESSION  
SIXTY-FIRST LEGISLATURE  
Convened January 11, 2010. Adjourned March 11, 2010.



RECEIVED  
APR 01 2010  
WATO LIBRARY SERVICES

Published at Olympia by the Statute Law Committee under  
Chapter 44.20 RCW.

K. KYLE THIESSEN  
Code Reviser



Nothing in this section limits the authority of counties, cities, or towns to implement programs consistent with RCW 36.70A.540, nor to enforce agreements made pursuant to such programs.

This section does not apply to special purpose districts formed and acting pursuant to Title 54, 57, or 87 RCW, nor is the authority conferred by these titles affected.

Passed by the House March 6, 2010.

Passed by the Senate March 2, 2010.

Approved by the Governor March 22, 2010.

Filed in Office of Secretary of State March 22, 2010.

## CHAPTER 154

[Engrossed Second Substitute House Bill 2539]

### SOLID WASTE MANAGEMENT PLANNING—RESIDENTIAL RECYCLING

AN ACT Relating to optimizing the collection of source separated materials within the current regulatory structure; amending RCW 70.95.080 and 81.77.185; adding a new section to chapter 81.77 RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** Increasing available residential curbside service for solid waste, recyclable, and compostable materials provides enumerable public benefits for all of Washington. Not only will increased service provide better system-wide efficiency, but it will also result in job creation, pollution reduction, and energy conservation, all of which serve to improve the quality of life in Washington communities.

It is therefore the intent of the legislature that Washington strive to significantly increase current residential recycling rates by 2020.

**Sec. 2.** RCW 70.95.080 and 1985 c 448 s 17 are each amended to read as follows:

(1) Each county within the state, in cooperation with the various cities located within such county, shall prepare a coordinated, comprehensive solid waste management plan. Such plan may cover two or more counties. The purpose is to plan for solid waste and materials reduction, collection, and handling and management services and programs throughout the state, as designed to meet the unique needs of each county and city in the state. When updating a solid waste management plan developed under this chapter, after the effective date of this section, local comprehensive plans must consider and plan for the following handling methods or services:

(a) Source separation of recyclable materials and products, organic materials, and wastes by generators;

(b) Collection of source separated materials;

(c) Handling and proper preparation of materials for reuse or recycling;

(d) Handling and proper preparation of organic materials for composting or anaerobic digestion; and

(e) Handling and proper disposal of nonrecyclable wastes.

(2) When updating a solid waste management plan developed under this chapter, after the effective date of this section, each local comprehensive plan

must, at a minimum, consider methods that will be used to address the following:

(a) Construction and demolition waste for recycling or reuse;

(b) Organic material including yard debris, food waste, and food contaminated paper products for composting or anaerobic digestion;

(c) Recoverable paper products for recycling;

(d) Metals, glass, and plastics for recycling; and

(e) Waste reduction strategies.

(3) Each city shall:

((1)) (a) Prepare and deliver to the county auditor of the county in which it is located its plan for its own solid waste management for integration into the comprehensive county plan; ((or

(2)) (b) Enter into an agreement with the county pursuant to which the city shall participate in preparing a joint city-county plan for solid waste management; or

((3)) (c) Authorize the county to prepare a plan for the city's solid waste management for inclusion in the comprehensive county plan.

(4) Two or more cities may prepare a plan for inclusion in the county plan. With prior notification of its home county of its intent, a city in one county may enter into an agreement with a city in an adjoining county, or with an adjoining county, or both, to prepare a joint plan for solid waste management to become part of the comprehensive plan of both counties.

(5) After consultation with representatives of the cities and counties, the department shall establish a schedule for the development of the comprehensive plans for solid waste management. In preparing such a schedule, the department shall take into account the probable cost of such plans to the cities and counties.

(6) Local governments shall not be required to include a hazardous waste element in their solid waste management plans.

**Sec. 3.** RCW 81.77.185 and 2002 c 299 s 6 are each amended to read as follows:

(1) The commission shall allow solid waste collection companies collecting recyclable materials to retain up to ((thirty)) fifty percent of the revenue paid to the companies for the material if the companies submit a plan to the commission that is certified by the appropriate local government authority as being consistent with the local government solid waste plan and that demonstrates how the revenues will be used to increase recycling. The remaining revenue shall be passed to residential customers.

(2) By December 2, 2005, the commission shall provide a report to the legislature that evaluates:

(a) The effectiveness of revenue sharing as an incentive to increase recycling in the state; and

(b) The effect of revenue sharing on costs to customers.

**NEW SECTION. Sec. 4.** A new section is added to chapter 81.77 RCW to read as follows:

Upon request of a county, the commission may approve rates, charges, or services at a discount for low-income senior customers and low-income customers, as adopted by the county in its comprehensive solid waste management plan. Expenses and lost revenues as a result of these discounts

must be included in the company's cost of service and recovered in rates to other customers.

**NEW SECTION. Sec. 5.** Nothing in this act changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this act change or limit the authority of a city or town to provide such service itself or by contract under RCW 81.77.020.

Passed by the House February 15, 2010.

Passed by the Senate March 5, 2010.

Approved by the Governor March 22, 2010.

Filed in Office of Secretary of State March 22, 2010.

## CHAPTER 155

[House Bill 3007]

### AIRPORT PROPERTY—RENTAL—PUBLIC USES

AN ACT Relating to authorizing airport operators to make airport property available at less than fair market rental value for public recreational or other community uses; and amending RCW 14.08.120.

Be it enacted by the Legislature of the State of Washington:

**Sec. 1.** RCW 14.08.120 and 2009 c 124 s 1 are each amended to read as follows:

In addition to the general powers conferred in this chapter, and without limitation thereof, a municipality that has established or may hereafter establish airports, restricted landing areas, or other air navigation facilities, or that has acquired or set apart or may hereafter acquire or set apart real property for that purpose or purposes is authorized:

(1) To vest authority for the construction, enlargement, improvement, maintenance, equipment, operation, and regulation thereof in an officer, a board, or body of the municipality by ordinance or resolution that prescribes the powers and duties of the officer, board, or body; and the municipality may also vest authority for industrial and commercial development in a municipal airport commission consisting of at least five resident taxpayers of the municipality to be appointed by the governing board of the municipality by an ordinance or resolution that includes (a) the terms of office, which may not exceed six years and which shall be staggered so that not more than three terms will expire in the same year, (b) the method of appointment and filling vacancies, (c) a provision that there shall be no compensation but may provide for a per diem of not to exceed twenty-five dollars per day plus travel expenses for time spent on commission business, (d) the powers and duties of the commission, and (e) any other matters necessary to the exercise of the powers relating to industrial and commercial development. The expense of the construction, enlargement, improvement, maintenance, equipment, industrial and commercial development, operation, and regulation are the responsibility of the municipality.

(2) To adopt and amend all needed rules, regulations, and ordinances for the management, government, and use of any properties under its control, whether within or outside the territorial limits of the municipality; to provide fire protection for the airport, including the acquisition and operation of fire

protection equipment and facilities, and the right to contract with any private body or political subdivision of the state for the furnishing of such fire protection; to appoint airport guards or police, with full police powers; to fix by ordinance or resolution, as may be appropriate, penalties for the violation of the rules, regulations, and ordinances, and enforce those penalties in the same manner in which penalties prescribed by other rules, regulations, and ordinances of the municipality are enforced. For the purposes of such management and government and direction of public use, that part of all highways, roads, streets, avenues, boulevards, and territory that adjoins the limits of any airport or restricted landing area acquired or maintained under the provisions of this chapter is under like control and management of the municipality. It may also adopt and enact rules, regulations, and ordinances designed to safeguard the public upon or beyond the limits of private airports or landing strips within the municipality or its police jurisdiction against the perils and hazards of instrumentalities used in aerial navigation. Rules, regulations, and ordinances shall be published as provided by general law or the charter of the municipality for the publication of similar rules, regulations, and ordinances. They shall conform to and be consistent with the laws of this state and the rules of the state department of transportation and shall be kept in conformity, as nearly as may be, with the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder and the rules and standards issued from time to time pursuant thereto.

(3) To create a special airport fund, and provide that all receipts from the operation of the airport be deposited in the fund, which fund shall remain intact from year to year and may be pledged to the payment of aviation bonds, or kept for future maintenance, construction, or operation of airports or airport facilities.

(4) To lease airports or other air navigation facilities, or real property acquired or set apart for airport purposes, to private parties, any municipal or state government or the national government, or any department thereof, for operation; to lease or assign to private parties, any municipal or state government or the national government, or any department thereof, for operation or use consistent with the purposes of this chapter, space, area, improvements, or equipment of such airports; to authorize its lessees to construct, alter, repair, or improve the leased premises at the cost of the lessee and to reimburse its lessees for such cost, provided the cost is paid solely out of funds fully collected from the airport's tenants; to sell any part of such airports, other air navigation facilities or real property to any municipal or state government, or to the United States or any department or instrumentality thereof, for aeronautical purposes or purposes incidental thereto, and to confer the privileges of concessions of supplying upon its airports goods, commodities, things, services, and facilities: PROVIDED, That in each case in so doing the public is not deprived of its rightful, equal, and uniform use thereof.

(5) Acting through its governing body, to sell or lease any property, real or personal, acquired for airport purposes and belonging to the municipality, which, in the judgment of its governing body, may not be required for aircraft landings, aircraft takeoffs or related aeronautic purposes, in accordance with the laws of this state, or the provisions of the charter of the municipality, governing the sale or leasing of similar municipally owned property. The municipal airport commission, if one has been organized and appointed under subsection (1) of