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HOUSE BILL 2539

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State of Washington

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By Representative Upthegrove

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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.

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