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**SENATE BILL 5286**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Das, Saldaña, Dhingra, Kuderer, Lovelett, Nguyen, Nobles, Randall, Salomon, and Wilson, C.

AN ACT Relating to establishing a statewide organic waste management goal; amending RCW 70A.205.015, 70A.205.050, and 70A.205.055; adding a new section to chapter 70A.205 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that management of organic waste is an essential component of the state's solid waste management system. Proper management of organic waste provides many environmental and economic benefits to the state, local governments, residents, and businesses. Composting, anaerobic digestion, and other forms of organic waste management can mitigate climate change by reducing our carbon footprint through increased carbon sequestration, when compost or recycled organic materials are applied to soil systems, and through the useful diversion of organic waste from landfills, where the waste would otherwise produce carbon intensive methane emissions. This diversion of organic waste creates a savings in space for landfills that are already overstressed by the current demand for waste disposal.

Furthermore, recycling of organic waste contributes to a circular economy by eliminating waste, keeping local products and material in use, and regenerating natural systems. Compost and other recycled organic waste products also enrich soil, improve soil structure, and reduce the need for chemical fertilizers, providing beneficial applications in agriculture, postconstruction soil conditioning, infrastructure projects, horticulture, stormwater filtration, and erosion control.

The legislature also finds that interpretation and implementation of permitting requirements for organic waste processors across the state can vary among local jurisdictions. This and other siting requirements can cause barriers to the establishment of new composting facilities and the expansion of existing compost facilities.

Therefore, the legislature intends to establish a statewide organic waste management goal to be accomplished over the next decade in order to promote the reduction of organic waste resources going to landfills, the diversification of how organic waste is managed, the identification of technologies and methods for carbon sequestration, and the comprehensive use of compost and other recycled organic waste products by state and local governments, residents, and businesses to facilitate the growth of organic waste processing statewide.

**Sec.**  RCW 70A.205.015 and 2020 c 20 s 1161 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) "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.

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

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

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

(7) "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.

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

(9) "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.

(10) "Inert waste landfill" means a landfill that receives only inert waste, as determined under RCW 70A.205.030, and includes facilities that use inert wastes as a component of fill.

(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 70A.205.075(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 70A.226 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 70A.226 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 this section, but does not include biosolids or biosolids products regulated under chapter 70A.226 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.

(29) "Organic waste" means food waste, food processing waste, yard debris, wood waste, and food-soiled compostable paper waste.

NEW SECTION. **Sec.**  A new section is added to chapter 70A.205 RCW to read as follows:

(1) A goal is established to divert and reduce not less than 50 percent of organic waste by weight from landfill disposal by 2025, and to divert and reduce not less than 90 percent of organic waste by weight from landfill disposal by the end of 2030, relative to June 30, 2021.

(2) The goal is adopted to guide the development of solid waste handling standards, the state solid waste management plan, and criteria for municipal solid waste landfills by the department under this chapter.

(3) In recognizing the untapped potential of composting, anaerobic digestion, and other forms of organic waste management in mitigating and preparing for climate change and improving soil health, while supporting the establishment of a vibrant and robust green economy in Washington state, actions related to better integrating strategies, policies, and programs include, but are not limited to:

(a) Including specific elements on the role soil amendments derived from the solid waste system should play as part of climate sequestration strategy development, including those addressing forestry and agricultural land, as well as identifying future research and analysis needs;

(b) Including the role of solid waste derived material systems, when developing plans and mechanisms to deliver carbon markets and finance in Washington, and in particular addressing the applicability of organic recycling and landfill gas mitigation infrastructure development; and

(c) Establishing methods and practices for monitoring and improving soil health through the application of compost, based on the United States department of agriculture's recommended soil health indicators detailed in soil health technical note No. 450-03, in coordination with the department of agriculture and public institutions of higher education and other parties.

(4) Additional actions and strategies consistent with these goals include, but are not limited to:

(a) The development of a revised permitting system for organic waste management facilities to create consistent standards and coordinated permitting;

(b) Increasing, where practical, the availability and convenience of collection service for organic materials for the purpose of producing high quality, organic waste-derived soil amendments or renewable fuels;

(c) Setting methane emission standards for landfills to encourage reduction of organic waste in landfills;

(d) Establishing policies and practices to reduce the generation of organic waste and diversify how organic waste is managed;

(e) Developing a robust in-state market for organic waste products, through methods including, but not limited to, outreach to local governments, state government, and agricultural producers, establishing local procurement policies; and

(f) Identifying technologies and methods for soil carbon sequestration from organic waste.

**Sec.**  RCW 70A.205.050 and 2020 c 20 s 1164 are each amended to read as follows:

(1) Levels of service shall be defined in the waste reduction and recycling element of each local comprehensive solid waste management plan and shall include the services set forth in RCW 70A.205.045. In determining which service level is provided to residential and nonresidential waste generators in each community, counties and cities shall develop clear criteria for designating areas as urban or rural. In designating urban areas, local governments shall consider the planning guidelines adopted by the department, total population, population density, and any applicable land use or utility service plans.

(2) Subject to the availability of amounts appropriated specifically to cover local government costs, each city and county with a population of 50,000 or more must ensure that its comprehensive solid waste management plan incorporates approaches for source reduction, on-site and off-site management of organics, and where practical, levels of service that will achieve within its jurisdiction the organic waste diversion and reduction goals established under section 3 of this act.

**Sec.**  RCW 70A.205.055 and 2010 c 210 s 17 are each amended to read as follows:

(1) The department and local governments preparing plans are encouraged to work cooperatively during plan development. Each county and city preparing a comprehensive solid waste management plan shall submit a preliminary draft plan to the department for technical review. The department shall review and comment on the draft plan within one hundred twenty days of receipt. The department's comments shall state specific actions or revisions that must be completed for plan approval.

(2) Each final draft solid waste management plan shall be submitted to the department for approval. The department will limit its comments on the final draft plans to those issues identified during its review of the draft plan and any other changes made between submittal of the preliminary draft and final draft plans. Disapproval of the local comprehensive solid waste management plan shall be supported by specific findings. A final draft plan shall be deemed approved if the department does not disapprove it within forty-five days of receipt.

(3) If the department disapproves a plan or any plan amendments, the submitting entity may appeal the decision to the pollution control hearings board as provided in RCW 43.21B.230. The appeal shall be limited to review of the specific findings which supported the disapproval under subsection (2) of this section.

(4) The department may approve a plan or plan amendment for a city or county that meets the population threshold in RCW 70A.205.050(2) and is subject to the organic waste management goals established in section 3 of this act but fails to achieve the goals and requirements of section 3 of this act and RCW 70A.205.050, where the department determines that areas within the city or county lack composting facilities within a reasonable distance. The department may condition the approval and convene the local jurisdictions and solid waste handling and recycling industry to evaluate how to meet the goal of providing organic waste recycling and composting capacity within a reasonable distance, based on local constraints.

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