
HOUSE BILL 1681

State of Washington

55th Legislature

1997 Regular Session

By Representatives Clements, Linville and Cooke

Read first time 02/05/97. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to solid waste; amending RCW 70.95.010, 70.95.020,
2 70.95.040, 70.95.050, and 36.58.045; and adding a new section to
3 chapter 70.95 RCW.

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

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

7 The legislature finds:

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

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

1 ~~((Considerations of natural resource limitations, energy~~
2 ~~shortages, economics and the environment make necessary the development~~
3 ~~and implementation of solid waste recovery and/or recycling plans and~~
4 ~~programs.))~~ The primary objectives of solid waste management are
5 resource conservation and protection of human health and the
6 environment. Waste reduction conserves energy, water, land, and other
7 natural resources. Recycling often conserves natural resources by
8 minimizing reliance on virgin materials.

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

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

17 (6) Solid waste management, including waste reduction and
18 recycling, should be based on sound economic principles.

19 (7)(a) It is the responsibility of every person to minimize his or
20 her production of wastes and to separate recyclable or hazardous
21 materials from mixed 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 ~~waste, and recycling programs))~~ improve the efficiency of recycling
30 services and programs, and to revise rules that impair the efficiency
31 of services.

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

36 (d) It is the responsibility of state government to ensure that
37 local governments are providing adequate source reduction and
38 separation opportunities and incentives to all, including persons in
39 both rural and urban areas, and nonresidential waste generators such as

1 commercial, industrial, and institutional entities, recognizing the
2 need to provide flexibility to accommodate differing population
3 densities, distances to and availability of recycling markets, and
4 collection and disposal costs in each community; and to provide county
5 and city governments with adequate technical resources and financial
6 assistance to accomplish this responsibility.

7 ~~((+7))~~ (8) Environmental and economic considerations in solving
8 the state's solid waste management problems require~~((s))~~ strong
9 consideration by local governments of regional solutions and
10 intergovernmental cooperation.

11 ~~((+8))~~ (9) The following priorities for the collection, handling,
12 and management of solid waste are necessary and should be followed in
13 descending order as applicable:

14 (a) Waste reduction;

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

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

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

19 ~~((+9))~~ (10) It is the state's short-term goal to achieve a fifty
20 percent recycling rate ~~((by 1995))~~. The state's long-term goal is to
21 eliminate or minimize waste to the greatest extent practical.

22 ~~((+10))~~ (11) Steps should be taken to make recycling at least as
23 affordable and convenient to the ratepayer as mixed waste disposal.

24 ~~((+11))~~ (12) It is necessary to compile and maintain adequate data
25 on the types and quantities of solid waste that are being generated and
26 to monitor how the various types of solid waste are being managed.

27 ~~((+12))~~ (13) Vehicle batteries should be recycled and the disposal
28 of vehicle batteries into landfills or incinerators should be
29 discontinued.

30 ~~((+13))~~ (14) Excessive ~~((and))~~, nonrecyclable, and difficult to
31 recycle packaging of products should be avoided.

32 ~~((+14))~~ (15) Comprehensive education should be conducted
33 throughout the state so that people are informed of the need and
34 opportunity to reduce, source separate, and recycle solid waste, as
35 well as to purchase products made from recycled materials.

36 ~~((+15))~~ (16) All governmental entities in the state should set an
37 example by implementing aggressive waste reduction and recycling
38 programs at their workplaces and by purchasing products that are made
39 from recycled materials and are recyclable.

1 (~~(16)~~) (17) To ensure the safe and efficient operations of solid
2 waste disposal facilities, it is necessary for operators and regulators
3 of landfills and incinerators to receive training and certification.

4 (~~(17)~~) (18) It is necessary to provide adequate funding to all
5 levels of government so that successful waste reduction and recycling
6 programs can be implemented.

7 (~~(18)~~) (19) The development of stable and expanding markets for
8 recyclable materials is critical to the long-term success of the
9 state's recycling goals. Market development must be encouraged on a
10 state, regional, and national basis to maximize its effectiveness. The
11 state shall assume primary responsibility for the development of a
12 multifaceted market development program to carry out the purposes of
13 (~~this act~~) chapter 431, Laws of 1989.

14 (~~(19)~~) (20) There is an imperative need to anticipate, plan for,
15 and accomplish effective storage, control, recovery, and recycling of
16 discarded tires and other problem wastes with the subsequent
17 conservation of resources and energy.

18 **Sec. 2.** RCW 70.95.020 and 1985 c 345 s 2 are each amended to read
19 as follows:

20 (1) The purpose of this chapter is to establish a comprehensive
21 state-wide program for solid waste handling, waste reduction, and
22 (~~solid waste recovery and/or~~) recycling which will prevent land, air,
23 and water pollution and conserve the natural, economic, and energy
24 resources of this state. To this end it is the purpose of this
25 chapter:

26 (~~(1)~~) (a) To assign primary responsibility for adequate solid
27 waste handling to local government, reserving to the state, however,
28 those functions necessary to (~~assure effective programs throughout the~~
29 ~~state~~) develop state-wide policies, support development of markets for
30 recyclable materials, and serve as a central source for data and
31 information;

32 (~~(2)~~) (b) To provide for adequate planning for solid waste
33 handling by local government;

34 (~~(3)~~) (c) To provide for the adoption and enforcement of basic
35 minimum performance standards for solid waste handling;

36 (~~(4)~~) (d) To provide technical and financial assistance to local
37 governments in the planning, development, and (~~conduct~~)
38 implementation of solid waste handling programs;

1 ~~((5))~~ (e) To encourage storage, proper disposal, and recycling of
2 discarded vehicle tires and to stimulate private recycling programs
3 throughout the state.

4 (2) It is the intent of the legislature that local governments be
5 encouraged to use the expertise of private industry and to contract
6 with private industry to the fullest extent possible to carry out solid
7 waste recovery and/or recycling programs.

8 (3) Waste reduction and recycling efforts throughout the state
9 should be based on the following principles:

10 (a) Waste reduction and recycling policies and programs should seek
11 to align economic incentives and environmental goals;

12 (b) Waste reduction and recycling policies and programs should be
13 based on an analysis of long-term environmental and economic
14 consequences as well as short-term impacts;

15 (c) Recycling plans and programs should be delivered efficiently
16 and economically;

17 (d) Waste reduction and recycling initiatives should strive to
18 balance the roles and responsibilities of local and state government,
19 and government and the private sector;

20 (e) Waste reduction and recycling systems should be integrated with
21 broader economic and environmental strategies; and

22 (f) Waste reduction and recycling policies and programs should be
23 flexible enough to respond to the different conditions that prevail in
24 urban and rural areas.

25 **Sec. 3.** RCW 70.95.040 and 1991 c 319 s 401 are each amended to
26 read as follows:

27 (1) There is created a solid waste advisory committee to ~~((provide~~
28 ~~consultation to the department of ecology concerning matters covered by~~
29 ~~this chapter. The committee shall advise on)) advise the governor and
30 appropriate committees of the legislature on solid waste issues,
31 including the development of programs and regulations for solid ((and
32 dangerous)) waste handling, resource recovery, and waste reduction and
33 recycling((, and)). The committee shall supply recommendations
34 concerning methods by which existing solid ((and dangerous)) waste
35 handling, resource recovery, and waste reduction and recycling
36 practices and the laws authorizing them may be supplemented and
37 improved. The recommendations shall address environmental, economic,
38 regulatory, and market development issues.~~

1 (2) The committee shall consist of ~~((at least eleven))~~ up to
2 fifteen members ~~((, including the assistant director for waste~~
3 ~~management programs within the department. The director shall appoint~~
4 ~~members with due regard to the interests of the public, local~~
5 ~~government, tribes, agriculture, industry, public health, recycling~~
6 ~~industries, solid waste collection industries, and resource recovery~~
7 ~~industries. The term of appointment shall be determined by the~~
8 ~~director))~~. The director of ecology, the director of the department of
9 community, trade, and economic development, and the chair of the
10 utilities and transportation commission, or their designees, shall
11 serve as ex officio members. The remaining members shall represent the
12 following entities: Cities, counties, local health departments,
13 agriculture, retailers or manufacturers, the recycling industry, the
14 organic waste recycling industry, the waste management industry, the
15 environmental community, and the public. Qualifications for members
16 should include policy expertise on solid waste, waste reduction, and
17 recycling issues. The members shall be appointed by the directors of
18 the agencies serving on the committee to two-year terms, with no more
19 than half the terms expiring in any given year. Members may be
20 reappointed for up to three terms.

21 (3) The committee shall elect its own chair and meet at least four
22 times a year, in accordance with such rules of procedure as it shall
23 establish. Members shall receive no compensation for their services
24 but shall be reimbursed their travel expenses while engaged in business
25 of the committee in accordance with RCW 43.03.050 and 43.03.060 as now
26 existing or hereafter amended.

27 ~~((+3))~~ (4) The committee shall ~~((each year recommend to the~~
28 ~~governor a recipient for a "governor's award of excellence" which the~~
29 ~~governor shall award for outstanding achievement by an industry,~~
30 ~~company, or individual in the area of hazardous waste or solid waste~~
31 ~~management))~~ receive staff support from the department.

32 NEW SECTION. Sec. 4. A new section is added to chapter 70.95 RCW
33 to read as follows:

34 (1) The solid waste advisory committee shall prepare
35 recommendations that will assist in developing and improving
36 economically sound waste reduction and recycling policies and programs.
37 To the extent feasible, the committee shall:

1 (a) Evaluate and recommend methods to increase the quantity of
2 marketable materials that are collected by existing recycling systems,
3 including methods to increase the availability of convenient and
4 effective recycling services for multifamily dwellings and for the
5 commercial sector;

6 (b) Evaluate and recommend methods to create markets and collection
7 systems for recyclable materials that represent a significant
8 percentage of waste that is being disposed, including:

9 (i) Construction and demolition waste;

10 (ii) Industrial waste; and

11 (iii) Organic waste, including food, agricultural, and land
12 clearing waste;

13 (c) Prepare recommendations for necessary revisions to existing
14 solid waste and recycling rules. Rules reviewed shall include
15 definitions, permitting requirements, planning responsibilities, rate-
16 setting methods, and accounting requirements;

17 (d) Develop annual measurable numeric benchmarks for continual
18 progress toward the state's waste minimization goal, including specific
19 goals for each category included in (b) of this subsection;

20 (e) Establish standard protocols and definitions to measure waste
21 reduction and recycling; and

22 (f) Assess the potential of using full cost accounting in state and
23 local solid waste planning activities.

24 (2) To prepare these recommendations, the committee is encouraged
25 to test or evaluate innovative and efficient programs, services, or
26 technologies. The committee may use a variety of methods, including:

27 (a) Evaluating work done in other jurisdictions;

28 (b) Developing and evaluating pilot projects or grant programs to
29 test specific technologies; and

30 (c) Preparing quantitative and qualitative analyses. The member
31 agencies should coordinate with the committee to allocate adequate
32 staff resources to support the committee's work.

33 (3) The solid waste advisory committee shall evaluate the
34 recommendations of the 1996 future of recycling study, other related
35 and pertinent data, and any other solid waste issues it deems
36 appropriate, or as requested by the governor or a standing committee of
37 the legislature.

38 (4) The solid waste advisory committee shall, in cooperation with
39 appropriate agencies, report annually to the governor and the

1 appropriate standing committees of the legislature. The report shall
2 include:

3 (a) Summaries of the results of the committee's activities and
4 analyses and recommendations;

5 (b) Transmittal of an annual status report prepared by the
6 department including the state recycling rate and a summary of the
7 progress made toward reaching the state's waste minimization goal;

8 (c) A summary of the types of waste that are being disposed and
9 recycled, including waste minimization trends; and

10 (d) Other information the committee deems appropriate.

11 **Sec. 5.** RCW 70.95.050 and 1969 ex.s. c 134 s 5 are each amended to
12 read as follows:

13 ~~((The department))~~ (1) The solid waste advisory committee shall
14 have the authority to convene technical subcommittees.

15 (2) The subcommittees may include additional members who are not
16 official members of the solid waste advisory committee. Subcommittee
17 members shall be appointed by the chair of the solid waste advisory
18 committee, subject to the approval of the majority of the committee.
19 Subcommittee members shall not receive any compensation for their
20 services. At the discretion of the chair, and subject to available
21 funds, subcommittee members may be reimbursed for their travel
22 expenses.

23 (3) The appropriate member agency, as determined by the committee
24 chair in consultation with the agency members of the committee, shall
25 furnish necessary staff services and facilities required by the ~~((solid~~
26 ~~waste advisory committee))~~ technical subcommittees.

27 **Sec. 6.** RCW 36.58.045 and 1989 c 431 s 15 are each amended to read
28 as follows:

29 (1) The legislative authority of any county with an approved solid
30 waste management plan, or any city that has an approved solid waste
31 management plan in accordance with RCW 70.95.080(1), may impose a fee
32 upon the solid waste collection services of a solid waste collection
33 company operating within the ~~((unincorporated areas of the county, to~~
34 ~~fund the administration and planning expenses that may be incurred by~~
35 ~~the county in complying with the requirements in RCW 70.95.090))~~
36 planning area. The planning area includes all incorporated and
37 unincorporated areas covered by the plan. The fee may be in addition

1 to any other solid waste services fees and charges a county or city may
2 legally impose. This section does not affect or limit the authority of
3 any city or county to collect any other taxes or fees provided by law.

4 (2) The fee may be imposed on both residential and commercial
5 customers. The fee may be:

6 (a) A percentage of the charge for solid waste collection services;

7 (b) Based on volume;

8 (c) Based on weight;

9 (d) A flat fee per residence; or

10 (e) Another method determined by the city or county to be
11 equitable.

12 (3) Revenues collected by the fee in subsection (2) of this section
13 may be used to implement any portion of the approved solid waste
14 management plan, except:

15 (a) Capital construction financing shall be limited to:

16 (i) Remedial actions necessary to bring abandoned or closed
17 landfills into compliance with regulatory requirements;

18 (ii) The repair, restoration, or replacement of existing solid
19 waste transfer or recycling facilities;

20 (iii) The opening of landfill cells that are in existing and
21 permitted landfills; and

22 (iv) Retirement of debt for capital construction projects that was
23 acquired before July 1, 1997; and

24 (b) Revenues may not be used to finance operating costs for
25 landfill disposal or incineration of solid waste. For purposes of this
26 subsection, solid waste does not include moderate risk waste.

27 (4) Each county or city imposing the fee authorized by this section
28 shall notify the Washington utilities and transportation commission and
29 the affected solid waste collection companies of the amount of the fee
30 ninety days prior to its implementation. The public or private
31 collection entity providing services subject to this fee shall list the
32 fee as a separate line item on consumers' bills that clearly identifies
33 the local government imposing the fee.

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