

2 **SSB 6715** - S AMD - 130

3 By Senators Eide, Hargrove, Swecker, Honeyford, Morton and Fraser

4 ADOPTED 2/14/00

5 Strike everything after the enacting clause and insert the
6 following:

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

12 (a) Standards for identifying the type of wastes generated during
13 construction;

14 (b) Methods for analyzing the availability and cost-effectiveness
15 of recycling services for each type of waste;

16 (c) Methods for evaluating construction waste management
17 alternatives given limited recycling services in rural areas of the
18 state;

19 (d) Strategies to maximize reuse and recycling of wastes and
20 minimize landfill disposal; and

21 (e) Standardized formats for on-site construction waste management
22 reporting.

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

29 **Sec. 2.** 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

1 ~~the dates indicated,~~) unless the director finds that a different
2 standard would significantly increase recycled product availability or
3 competition.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 NEW SECTION. Sec. 3. The legislature encourages city, county, and
25 state governments, the private sector, and consumers to collaborate in
26 sharing information and becoming informed about opportunities for
27 increasing voluntary product stewardship to support the state's
28 recycling goals. For purposes of this section, "product stewardship"
29 means a principle that directs all actors in the life cycle of a
30 product to minimize impacts of that product on the environment.

31 NEW SECTION. Sec. 4. A new section is added to chapter 39.04 RCW
32 to read as follows:

33 If a construction project receives state public funding, the
34 product standards, as provided in RCW 43.19A.020, shall apply on the
35 recycled content products used in the project.

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

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

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

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

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

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

19 The legislature finds:

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

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

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

36 (4) Waste reduction must become a fundamental strategy of solid
37 waste management. It is therefore necessary to change manufacturing

1 and purchasing practices and waste generation behaviors to reduce the
2 amount of waste that becomes a governmental responsibility.

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

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

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

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

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

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

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

39 (a) Waste reduction;

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

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

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

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

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

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

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

14 (~~(12)~~) (~~(13)~~) Vehicle batteries should be recycled and the disposal
15 of vehicle batteries into landfills or incinerators should be
16 discontinued.

17 (~~(13)~~) (~~(14)~~) Excessive and nonrecyclable packaging of products
18 should be avoided.

19 (~~(14)~~) (~~(15)~~) Comprehensive education should be conducted
20 throughout the state so that people are informed of the need to reduce,
21 source separate, and recycle solid waste.

22 (~~(15)~~) (~~(16)~~) All governmental entities in the state should set an
23 example by implementing aggressive waste reduction and recycling
24 programs at their workplaces and by purchasing products that are made
25 from recycled materials and are recyclable.

26 (~~(16)~~) (~~(17)~~) To ensure the safe and efficient operations of solid
27 waste disposal facilities, it is necessary for operators and regulators
28 of landfills and incinerators to receive training and certification.

29 (~~(17)~~) (~~(18)~~) It is necessary to provide adequate funding to all
30 levels of government so that successful waste reduction and recycling
31 programs can be implemented.

32 (~~(18)~~) (~~(19)~~) The development of stable and expanding markets for
33 recyclable materials is critical to the long-term success of the
34 state's recycling goals. Market development must be encouraged on a
35 state, regional, and national basis to maximize its effectiveness. The
36 state shall assume primary responsibility for the development of a
37 multifaceted market development program to carry out the purposes of
38 this act.

1 (~~(19)~~) (20) There is an imperative need to anticipate, plan for,
2 and accomplish effective storage, control, recovery, and recycling of
3 discarded tires and other problem wastes with the subsequent
4 conservation of resources and energy.

5 **Sec. 7.** RCW 70.95.030 and 1998 c 36 s 17 are each amended to read
6 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (14) "Modify" means to substantially change the design or
37 operational plans including, but not limited to, removal of a design

1 element previously set forth in a permit application or the addition of
2 a disposal or processing activity that is not approved in the permit.

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

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

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

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

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

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

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

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

36 (23) "Solid waste handling" means the management, storage,
37 collection, transportation, treatment, utilization, processing, and
38 final disposal of solid wastes, including the recovery and recycling of
39 materials from solid wastes, the recovery of energy resources from

1 solid wastes or the conversion of the energy in solid wastes to more
2 useful forms or combinations thereof.

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

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

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

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

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

24 **Sec. 8.** 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))~~ manage yard ~~((waste, if the county or~~
14 ~~city submitting the plan finds that there are))~~ debris, including
15 strategies to:

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

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

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

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

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

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

33 (8) County and city comprehensive solid waste management plans may
34 provide for the establishment of residential collection rate structures
35 that provide economic incentives for customers to reduce their level of
36 solid waste collection service and encourage participation in waste
37 reduction, recycling, and yard debris collection programs. All
38 jurisdictions that are signatories to comprehensive solid waste
39 management plans that adopt residential incentive rates shall adopt

1 ordinances to implement rate structures that are consistent with the
2 guidelines in the comprehensive plans. The utilities and
3 transportation commission is authorized to issue rules to implement
4 this section for solid waste collection companies regulated under Title
5 81 RCW.

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

12 ((+9)) (10) A review of potential areas that meet the criteria as
13 outlined in RCW 70.95.165.

14 **Sec. 9.** RCW 70.95.280 and 1989 c 431 s 13 are each amended to read
15 as follows:

16 The department of ecology shall determine the best management
17 practices for categories of solid waste in accordance with the priority
18 solid waste management methods established in RCW 70.95.010. In order
19 to make this determination, the department shall conduct a
20 comprehensive solid waste stream analysis and evaluation. Following
21 establishment of baseline data resulting from an initial in-depth
22 analysis of the waste stream, the department shall develop a less
23 intensive method of monitoring the disposed waste stream including, but
24 not limited to, changes in the amount of waste generated and waste
25 type. The department shall monitor curbside collection programs and
26 other waste segregation and disposal technologies to determine, to the
27 extent possible, the effectiveness of these programs in terms of cost
28 and participation, their applicability to other locations, and their
29 implications regarding rules adopted under this chapter. Persons who
30 collect solid waste shall annually report to the department the types
31 and quantities of solid waste that are collected and where it is
32 delivered. The department shall adopt guidelines for reporting and for
33 ~~((keeping proprietary information confidential))~~ maintaining the
34 confidentiality of proprietary information included in the report. By
35 March 1st of each year, entities that collect recycled material shall
36 report their activity from the previous calendar year on a form
37 provided by the department. The department may impose a penalty of one
38 hundred dollars on any entity that fails to submit the required report

1 to the department. The department may impose an additional penalty of
2 one hundred dollars for each day after March 1st that a firm fails to
3 submit the required report. The total penalties for failure to report
4 shall not exceed one thousand dollars. By May 1st of each year, the
5 department may arrange for the publication in recycling and solid waste
6 industry trade publications the names of those entities failing to file
7 the required report. The department shall structure penalties and
8 other sanctions so as to encourage compliance with the annual reporting
9 requirement.

10 **Sec. 10.** RCW 70.95.290 and 1988 c 184 s 3 are each amended to read
11 as follows:

12 (1) The evaluation of the solid waste stream required in RCW
13 70.95.280 shall include the following elements:

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

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

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

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

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

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

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

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

