

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.