

# HOUSE BILL REPORT

## SHB 2308

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### As Passed Legislature

**Title:** An act relating to recycling and waste reduction.

**Brief Description:** Encouraging recycling and waste reduction.

**Sponsors:** By House Committee on Agriculture & Ecology (originally sponsored by Representatives Linville, Schoesler, Anderson, Dunshee, Lovick, Lantz, Santos, Rockefeller, Berkey, Conway, Wood, Edwards, Cooper, Hunt, Fromhold, Dickerson, Cody, Simpson, Upthegrove, Kagi and McIntire).

### Brief History:

#### Committee Activity:

Agriculture & Ecology: 1/15/02, 1/22/02 [DPS];

Appropriations: 2/5/02, 2/6/02 [DPS(AGEC)].

#### Floor Activity:

Passed House: 2/15/02, 98-0.

Passed Senate: 3/6/02, 46-0.

Passed Legislature.

### Brief Summary of Substitute Bill

- Requires the Department of General Administration to work with the construction industry to develop guidelines for implementing on-site construction waste management planning.
- Applies the adopted product standards for recycled product purchasing to any state-funded construction project whenever the administering agency and project owner determine that the products are cost-effective and readily available.
- Adopts the state goal of establishing programs to eliminate residential yard debris in landfills by year 2012 in areas where alternatives to disposal are readily available and effective.
- Allows solid waste collection companies to retain up to 30 percent of the revenue paid to the company for recyclable materials if the company submits a certified plan showing how the revenues will be used to increase recycling rates.

- Directs the Department of Ecology to investigate the use of scrap tires as alternative daily cover for landfills and the feasibility of establishing and maintaining an incentive program for market development
- Requires the Department of Ecology to track the total increases or decreases in the state's tire recycling rates.
- Directs the Department of Transportation to evaluate the use of scrap tires in civil engineering and highway construction applications.

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## HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Linville, Chair; Hunt, Vice Chair; Schoesler, Ranking Minority Member; Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

**Staff:** Jason Callahan (786-7117).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Agriculture & Ecology be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Sehlin, Ranking Minority Member; Alexander, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

**Staff:** Jeff Olsen (786-7157).

### **Background:**

The Waste-Not Washington Act of 1989 established a policy framework for waste reduction, reuse, and recycling that included setting a goal for the state to recycle 50 percent by 1995, expansion of local government solid waste planning, conduct of a waste characterization survey, reporting requirements, and regulation of solid waste collection companies.

According to the Department of Ecology, the state's recycling rate reached a high of 39 percent in 1996 and declined to under 33 percent in 1997. The Department of Ecology convened a Recycling Assessment Panel to evaluate causes in the recycling rate decline and to recommend responses. The panel's report was presented in February 2000 and includes recommendations for legislation. Among the recommendations were plans for

increasing commercial recycling, increasing the efficiency of residential recycling, increasing organic material recycling, addressing land-clearing waste, and raising awareness statewide.

**Summary of Substitute Bill:**

The Legislature finds that it is the state's goal to establish programs to eliminate residential or commercial yard debris in landfills by 2012 in those areas where alternatives to disposal are available and effective.

The Department of General Administration (GA) is required to work with the commercial and industrial construction industry to develop guidelines for implementing on-site construction waste management. The guidelines shall address standards for identifying the types of wastes generated, methods for analyzing the availability and cost-effectiveness of recycling services, methods for evaluating waste management alternatives if there is a lack of recycling services, standardized formats for on-site waste management planning, and training and technical assistance for building managers and construction professionals in order to facilitate the incorporation of waste management planning and recycling into standard industry practice. GA must report on these guidelines to the Legislature in 2002. GA is also directed to develop goals for the state use of recycled or environmentally preferable products and services, contractor selection, and contract negotiations.

Any construction project that receives state funding must apply legislatively adopted product standards to the materials used in the project. The standards do not need to be applied if the administering agency and project owner determine that applying the standards would not be cost-effective or the products were not readily available.

Companies that collect recyclable materials are allowed to maintain up to 30 percent of the revenue paid to the company for the materials. To participate in this program, a company must have a plan certified by the appropriate local government authority that demonstrates how retaining the revenue will be used to increase recycling. The Utilities and Transportation Commission must evaluate the effectiveness of this revenue sharing proposition and report to the Legislature in 2005.

The Department of Ecology (DOE) is instructed to investigate and draw conclusions by December 31, 2002, on the use of scrap tires as alternative daily cover in landfills and the feasibility of establishing and maintaining an incentive program for scrap tire market development. The investigation of alternative daily cover is required to review specifications developed by other states and an analysis of how those specifications apply to Washington. The investigation of market development must include research into the availability of funding and proposed criteria for such a program. The DOE must also work with private-sector stakeholders to track and annually report increases or decreases in the state's tire recycling rates.

The Department of Transportation must evaluate scrap tire uses in civil engineering and road building applications, and report their finding to the legislature by November 30, 2003. This study must include the feasibility of using scrap tires in lightweight fills, and an analysis of using rubber-modified asphalt in highway projects.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (Agriculture & Ecology) The Waste-Not Washington Act addressed the large issues in recycling and this bill provides the tools necessary to go after the segments of recycling that was not addressed by the larger bill. Addressing these smaller segments is critical if the state is going to meet its goal of a 50 percent recycling rate. This bill was developed with the input of various stakeholders and is the result of long discussions and negotiations. Washington's recycling rate has increased over the past few years, but so has its waste generation rates. Effective waste reduction and recycling is a critical element in a proper waste management program. This bill puts local governments in the position to decide if a specific recycling program fits with its solid waste plans. Over 10 million tons of recycled paper is exported annually to Asia, and much of that is shipped out of Washington ports.

**Testimony For:** (Appropriations) None.

**Testimony Against:** (Agriculture & Ecology) None.

**Testimony Against:** (Appropriations) None.

**Testified:** (Agriculture & Ecology) Remy Esquet, American Forest and Paper Association; Gordon Walgreen, Walgreen Refuse and Recycling Association; Jeff Kelley-Clarke, State SWAC; Ed Hurley, Smurfit-Stone Container; Cullen Stephenson, Department of Ecology; David Michener, Washington State Soft Drink Association; Beth Redfield, WUTC; Willy O' Neal, ACC of Washington.

(With concerns) Vicki Kirkpatrick, Washington State Association of Counties.

**Testified:** (Appropriations) None.