

---

HOUSE BILL 1907

---

State of Washington

57th Legislature

2001 Regular Session

By Representatives Linville, Barlean, Hunt, Kirby, Mielke, Jackley, Romero, Morris, Dunshee, Delvin, Anderson, Keiser, Lovick, Ruderman, Ogden, O'Brien, Kagi, Edmonds, Wood, McDermott, Santos, Kessler, Simpson, Kenney and Schual-Berke

Read first time 02/08/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to recycling and waste reduction; amending RCW  
2 43.19A.020, 39.04.133, 70.95.010, 70.95.030, 70.95.090, 70.95.290, and  
3 43.19.1905; and creating a new section.

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

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

10 (a) Standards for identifying the type of wastes generated during  
11 construction;

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

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

17 (d) Strategies to maximize reuse and recycling of wastes and  
18 minimize landfill disposal;

1 (e) Standardized formats for on-site construction waste management  
2 planning and reporting documents; and

3 (f) A training and technical assistance plan for public and private  
4 building owners and construction industry members, in order to  
5 facilitate incorporation of waste management planning and recycling  
6 into standard construction industry practice.

7 (2) By December 15, 2001, the department of general administration  
8 shall provide a report to the legislature on the development of the  
9 guidelines required by subsection (1) of this section. The report  
10 shall include recommendations for incorporating job-site waste  
11 management planning and recycling into standard construction industry  
12 practice.

13 **Sec. 2.** RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read  
14 as follows:

15 (1) The USEPA product standards, as now or hereafter amended, are  
16 adopted as the minimum standards for the state of Washington. These  
17 standards shall be implemented for at least the products listed in (a)  
18 and (b) of this subsection by the dates indicated, unless the director  
19 finds that a different standard would significantly increase recycled  
20 product availability or competition.

21 (a) By July 1, 1997:

- 22 (i) Paper and paper products;
- 23 (ii) Organic recovered materials; and
- 24 (iii) Latex paint products;

25 (b) By July 1, 1997:

- 26 (i) Products for lower value uses containing recycled plastics;
- 27 (ii) Retread and remanufactured tires;
- 28 (iii) Lubricating oils;
- 29 (iv) Automotive batteries;
- 30 (v) Building (~~(insulation)~~) products and materials;
- 31 (vi) Panelboard; and
- 32 (vii) Compost products.

33 (2) By July 1, 2002, the director shall adopt product standards for  
34 strawboard that has, as an ingredient, straw that is a byproduct of the  
35 production of cereal grains or turf or grass seed.

36 (3) The standards required by this section shall be applied to  
37 recycled product purchasing by the department and other state agencies.  
38 The standards may be adopted or applied by any other local government

1 in product procurement. The standards shall provide for exceptions  
2 under appropriate circumstances to allow purchases of recycled products  
3 that do not meet the minimum content requirements of the standards.

4 **Sec. 3.** RCW 39.04.133 and 1996 c 198 s 5 are each amended to read  
5 as follows:

6 (1) The state's preferences for the purchase and use of recycled  
7 content products shall be included as a factor in the design and  
8 development of state capital improvement projects.

9 (2) (~~Specifications for materials in state construction projects~~  
10 ~~shall include the use of recycled content products and recyclable~~  
11 ~~products whenever practicable)) If a construction project receives  
12 state public funding, the product standards, as provided in RCW  
13 43.19A.020, shall apply to the materials used in the project, whenever  
14 the administering agency and project owner determine that such products  
15 would be cost-effective and are readily available.~~

16 (3) This section does not apply to contracts entered into by a  
17 municipality.

18 **Sec. 4.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read  
19 as follows:

20 The legislature finds:

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

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

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

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

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

9 (6)(a) It (~~is the responsibility~~) should be the goal of every  
10 person to minimize his or her production of wastes and to separate  
11 recyclable or hazardous materials from mixed waste.

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

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

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

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

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

4 (a) Waste reduction;

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

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

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

9 (9) It is the state's goal to achieve a fifty percent recycling  
10 rate by ~~((1995))~~ 2006.

11 (10) It is the state's goal that programs be established to  
12 eliminate residential or commercial yard debris in landfills by 2011.

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

15 ~~((11))~~ (12) It is necessary to compile and maintain adequate data  
16 on the types and quantities of solid waste that are being generated and  
17 to monitor how the various types of solid waste are being managed.

18 ~~((12))~~ (13) Vehicle batteries should be recycled and the disposal  
19 of vehicle batteries into landfills or incinerators should be  
20 discontinued.

21 ~~((13))~~ (14) Excessive and nonrecyclable packaging of products  
22 should be avoided.

23 ~~((14))~~ (15) Comprehensive education should be conducted  
24 throughout the state so that people are informed of the need to reduce,  
25 source separate, and recycle solid waste.

26 ~~((15))~~ (16) All governmental entities in the state should set an  
27 example by implementing aggressive waste reduction and recycling  
28 programs at their workplaces and by purchasing products that are made  
29 from recycled materials and are recyclable.

30 ~~((16))~~ (17) To ensure the safe and efficient operations of solid  
31 waste disposal facilities, it is necessary for operators and regulators  
32 of landfills and incinerators to receive training and certification.

33 ~~((17))~~ (18) It is necessary to provide adequate funding to all  
34 levels of government so that successful waste reduction and recycling  
35 programs can be implemented.

36 ~~((18))~~ (19) The development of stable and expanding markets for  
37 recyclable materials is critical to the long-term success of the  
38 state's recycling goals. Market development must be encouraged on a  
39 state, regional, and national basis to maximize its effectiveness. The

1 state shall assume primary responsibility for the development of a  
2 multifaceted market development program to carry out the purposes of  
3 this act.

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

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

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

- 11 (1) "City" means every incorporated city and town.
- 12 (2) "Commission" means the utilities and transportation commission.
- 13 (3) "Committee" means the state solid waste advisory committee.
- 14 (4) "Composted material" means organic solid waste that has been  
15 subjected to controlled aerobic degradation at a solid waste facility  
16 in compliance with the requirements of this chapter. Natural decay of  
17 organic solid waste under uncontrolled conditions does not result in  
18 composted material.
- 19 (5) "Department" means the department of ecology.
- 20 (6) "Director" means the director of the department of ecology.
- 21 (7) "Disposal site" means the location where any final treatment,  
22 utilization, processing, or deposit of solid waste occurs.
- 23 (8) "Energy recovery" means a process operating under federal and  
24 state environmental laws and regulations for converting solid waste  
25 into usable energy and for reducing the volume of solid waste.
- 26 (9) "Functional standards" means criteria for solid waste handling  
27 expressed in terms of expected performance or solid waste handling  
28 functions.
- 29 (10) "Incineration" means a process of reducing the volume of solid  
30 waste operating under federal and state environmental laws and  
31 regulations by use of an enclosed device using controlled flame  
32 combustion.
- 33 (11) "Jurisdictional health department" means city, county, city-  
34 county, or district public health department.
- 35 (12) "Landfill" means a disposal facility or part of a facility at  
36 which solid waste is placed in or on land and which is not a land  
37 treatment facility.
- 38 (13) "Local government" means a city, town, or county.

1 (14) "Modify" means to substantially change the design or  
2 operational plans including, but not limited to, removal of a design  
3 element previously set forth in a permit application or the addition of  
4 a disposal or processing activity that is not approved in the permit.

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

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

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

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

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

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

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

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

38 (23) "Solid waste handling" means the management, storage,  
39 collection, transportation, treatment, utilization, processing, and

1 final disposal of solid wastes, including the recovery and recycling of  
2 materials from solid wastes, the recovery of energy resources from  
3 solid wastes or the conversion of the energy in solid wastes to more  
4 useful forms or combinations thereof.

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

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

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

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

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

26 **Sec. 6.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to read  
27 as follows:

28 Each county and city comprehensive solid waste management plan  
29 shall include the following:

30 (1) A detailed inventory and description of all existing solid  
31 waste handling facilities including an inventory of any deficiencies in  
32 meeting current solid waste handling needs.

33 (2) The estimated long-range needs for solid waste handling  
34 facilities projected twenty years into the future.

35 (3) A program for the orderly development of solid waste handling  
36 facilities in a manner consistent with the plans for the entire county  
37 which shall:



1 (a) Meet the minimum functional standards for solid waste handling  
2 adopted by the department and all laws and regulations relating to air  
3 and water pollution, fire prevention, flood control, and protection of  
4 public health;

5 (b) Take into account the comprehensive land use plan of each  
6 jurisdiction;

7 (c) Contain a six year construction and capital acquisition program  
8 for solid waste handling facilities; and

9 (d) Contain a plan for financing both capital costs and operational  
10 expenditures of the proposed solid waste management system.

11 (4) A program for surveillance and control.

12 (5) A current inventory and description of solid waste collection  
13 needs and operations within each respective jurisdiction which shall  
14 include:

15 (a) Any franchise for solid waste collection granted by the  
16 utilities and transportation commission in the respective jurisdictions  
17 including the name of the holder of the franchise and the address of  
18 his or her place of business and the area covered by the franchise;

19 (b) Any city solid waste operation within the county and the  
20 boundaries of such operation;

21 (c) The population density of each area serviced by a city  
22 operation or by a franchised operation within the respective  
23 jurisdictions;

24 (d) The projected solid waste collection needs for the respective  
25 jurisdictions for the next six years.

26 (6) A comprehensive waste reduction and recycling element that, in  
27 accordance with the priorities established in RCW 70.95.010, provides  
28 programs that (a) reduce the amount of waste generated, (b) provide  
29 incentives and mechanisms for source separation, and (c) establish  
30 recycling opportunities for the source separated waste.

31 (7) The waste reduction and recycling element shall include the  
32 following:

33 (a) Waste reduction strategies;

34 (b) Source separation strategies, including:

35 (i) Programs for the collection of source separated materials from  
36 residences in urban and rural areas. In urban areas, these programs  
37 shall include collection of source separated recyclable materials from  
38 single and multiple family residences, unless the department approves  
39 an alternative program, according to the criteria in the planning

1 guidelines. Such criteria shall include: Anticipated recovery rates  
2 and levels of public participation, availability of environmentally  
3 sound disposal capacity, access to markets for recyclable materials,  
4 unreasonable cost impacts on the ratepayer over the six-year planning  
5 period, utilization of environmentally sound waste reduction and  
6 recycling technologies, and other factors as appropriate. In rural  
7 areas, these programs shall include but not be limited to drop-off  
8 boxes, buy-back centers, or a combination of both, at each solid waste  
9 transfer, processing, or disposal site, or at locations convenient to  
10 the residents of the county. The drop-off boxes and buy-back centers  
11 may be owned or operated by public, nonprofit, or private persons;

12 (ii) Programs to monitor the collection of source separated waste  
13 at nonresidential sites where there is sufficient density to sustain a  
14 program;

15 (iii) Programs to collect yard waste, if the county or city  
16 submitting the plan finds that there are adequate markets or capacity  
17 for composted yard waste within or near the service area to consume the  
18 majority of the material collected; and

19 (iv) Programs to educate and promote the concepts of waste  
20 reduction and recycling;

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

28 (d) Consideration of residential collection rate structures that  
29 provide economic incentives for customers to reduce their level of  
30 solid waste collection service and increase their participation in  
31 waste reduction, recycling, and yard waste collection programs. Any  
32 jurisdiction that is a signatory to a comprehensive solid waste plan  
33 that adopts residential incentive rates shall adopt ordinances to  
34 implement rate structures that are consistent with the guidelines in  
35 the comprehensive plans. The utilities and transportation commission  
36 is authorized to issue rules to implement this section for solid waste  
37 companies regulated under Title 81 RCW; and

38 (e) Other information the county or city submitting the plan  
39 determines is necessary.

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

7 (9) A review of potential areas that meet the criteria as outlined  
8 in RCW 70.95.165.

9 **Sec. 7.** RCW 70.95.290 and 1988 c 184 s 3 are each amended to read  
10 as follows:

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

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

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

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

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

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

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

32 (c) By January 1, 2003, construction, demolition, and land-clearing  
33 debris, manure, and major food-processing wastes.

34 **Sec. 8.** RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to  
35 read as follows:

36 The director of general administration shall establish overall  
37 state policy for compliance by all state agencies, including

1 educational institutions, regarding the following purchasing and  
2 material control functions:

3 (1) Development of a state commodity coding system, including  
4 common stock numbers for items maintained in stores for reissue;

5 (2) Determination where consolidations, closures, or additions of  
6 stores operated by state agencies and educational institutions should  
7 be initiated;

8 (3) Institution of standard criteria for determination of when and  
9 where an item in the state supply system should be stocked;

10 (4) Establishment of stock levels to be maintained in state stores,  
11 and formulation of standards for replenishment of stock;

12 (5) Formulation of an overall distribution and redistribution  
13 system for stock items which establishes sources of supply support for  
14 all agencies, including interagency supply support;

15 (6) Determination of what function data processing equipment,  
16 including remote terminals, shall perform in statewide purchasing and  
17 material control for improvement of service and promotion of economy;

18 (7) Standardization of records and forms used statewide for supply  
19 system activities involving purchasing, receiving, inspecting, storing,  
20 requisitioning, and issuing functions, including a standard  
21 notification form for state agencies to report cost-effective direct  
22 purchases, which shall at least identify the price of the goods as  
23 available through the division of purchasing, the price of the goods as  
24 available from the alternative source, the total savings, and the  
25 signature of the notifying agency's director or the director's  
26 designee;

27 (8) Screening of supplies, material, and equipment excess to the  
28 requirements of one agency for overall state need before sale as  
29 surplus;

30 (9) Establishment of warehouse operation and storage standards to  
31 achieve uniform, effective, and economical stores operations;

32 (10) Establishment of time limit standards for the issuing of  
33 material in store and for processing requisitions requiring purchase;

34 (11) Formulation of criteria for determining when centralized  
35 rather than decentralized purchasing shall be used to obtain maximum  
36 benefit of volume buying of identical or similar items, including  
37 procurement from federal supply sources;

38 (12) Development of criteria for use of leased, rather than state  
39 owned, warehouse space based on relative cost and accessibility;

1 (13) Institution of standard criteria for purchase and placement of  
2 state furnished materials, carpeting, furniture, fixtures, and nonfixed  
3 equipment, in newly constructed or renovated state buildings;

4 (14) Determination of how transportation costs incurred by the  
5 state for materials, supplies, services, and equipment can be reduced  
6 by improved freight and traffic coordination and control;

7 (15) Establishment of a formal certification program for state  
8 employees who are authorized to perform purchasing functions as agents  
9 for the state under the provisions of chapter 43.19 RCW;

10 (16) Development of performance measures for the reduction of total  
11 overall expense for material, supplies, equipment, and services used  
12 each biennium by the state;

13 (17) Establishment of a standard system for all state organizations  
14 to record and report dollar savings and cost avoidance which are  
15 attributable to the establishment and implementation of improved  
16 purchasing and material control procedures;

17 (18) Development of procedures for mutual and voluntary cooperation  
18 between state agencies, including educational institutions, and  
19 political subdivisions for exchange of purchasing and material control  
20 services;

21 (19) Resolution of all other purchasing and material matters which  
22 require the establishment of overall statewide policy for effective and  
23 economical supply management;

24 (20) Development of guidelines and criteria for the purchase of  
25 vehicles, alternate vehicle fuels and systems, equipment, and materials  
26 that reduce overall energy-related costs and energy use by the state,  
27 including the requirement that new passenger vehicles purchased by the  
28 state meet the minimum standards for passenger automobile fuel economy  
29 established by the United States secretary of transportation pursuant  
30 to the energy policy and conservation act (15 U.S.C. Sec. 2002);

31 (21) Development of goals for state use of recycled and  
32 environmentally preferable products through specifications for products  
33 and services, processes for requests for proposals and requests for  
34 qualifications, contractor selection, and contract negotiations.

--- END ---