

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2308

Chapter 299, Laws of 2002

57th Legislature
2002 Regular Session

RECYCLING

EFFECTIVE DATE: 6/13/02

Passed by the House February 15, 2002
Yeas 98 Nays 0

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate March 6, 2002
Yeas 46 Nays 0

BRAD OWEN
President of the Senate

Approved April 2, 2002

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2308** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

FILED

April 2, 2002 - 10:21 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2308

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

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)

Read first time 01/22/2002. Referred to Committee on .

1 AN ACT Relating to recycling and waste reduction; amending RCW
2 39.04.133, 70.95.010, 70.95.030, and 43.19.1905; adding a new section
3 to chapter 81.77 RCW; adding a new section to chapter 70.95 RCW; and
4 creating new sections.

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

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

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

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

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

18 (d) Strategies to maximize reuse and recycling of wastes and
19 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, 2002, 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 39.04.133 and 1996 c 198 s 5 are each amended to read
14 as follows:

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

18 (2) (~~Specifications for materials in state construction projects~~
19 ~~shall include the use of recycled content products and recyclable~~
20 ~~products whenever practicable)) If a construction project receives
21 state public funding, the product standards, as provided in RCW
22 43.19A.020, shall apply to the materials used in the project, whenever
23 the administering agency and project owner determine that such products
24 would be cost-effective and are readily available.~~

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

27 **Sec. 3.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read
28 as follows:

29 The legislature finds:

30 (1) Continuing technological changes in methods of manufacture,
31 packaging, and marketing of consumer products, together with the
32 economic and population growth of this state, the rising affluence of
33 its citizens, and its expanding industrial activity have created new
34 and ever-mounting problems involving disposal of garbage, refuse, and
35 solid waste materials resulting from domestic, agricultural, and
36 industrial activities.

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

6 (3) Considerations of natural resource limitations, energy
7 shortages, economics and the environment make necessary the development
8 and implementation of solid waste recovery and/or recycling plans and
9 programs.

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

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

18 (6)(a) It (~~is the responsibility~~) should be the goal of every
19 person and business to minimize (~~his or her~~) their production of
20 wastes and to separate recyclable or hazardous materials from mixed
21 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 municipal solid waste, and recycling programs.

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

34 (d) It is the responsibility of state government to ensure that
35 local governments are providing adequate source reduction and
36 separation opportunities and incentives to all, including persons in
37 both rural and urban areas, and nonresidential waste generators such as
38 commercial, industrial, and institutional entities, recognizing the
39 need to provide flexibility to accommodate differing population

1 densities, distances to and availability of recycling markets, and
2 collection and disposal costs in each community; and to provide county
3 and city governments with adequate technical resources to accomplish
4 this responsibility.

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

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

12 (a) Waste reduction;

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

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

16 (d) Energy recovery, incineration, or (~~landfilling~~) landfill of
17 mixed municipal solid wastes.

18 (9) It is the state's goal to achieve a fifty percent recycling
19 rate by (~~1995~~) 2007.

20 (10) It is the state's goal that programs be established to
21 eliminate residential or commercial yard debris in landfills by 2012 in
22 those areas where alternatives to disposal are readily available and
23 effective.

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

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

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

32 (~~13~~) (14) Excessive and nonrecyclable packaging of products
33 should be avoided.

34 (~~14~~) (15) Comprehensive education should be conducted
35 throughout the state so that people are informed of the need to reduce,
36 source separate, and recycle solid waste.

37 (~~15~~) (16) All governmental entities in the state should set an
38 example by implementing aggressive waste reduction and recycling

1 programs at their workplaces and by purchasing products that are made
2 from recycled materials and are recyclable.

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

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

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

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

20 **Sec. 4.** RCW 70.95.030 and 1998 c 36 s 17 are each amended to read
21 as follows:

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

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

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

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

26 (4) "Composted material" means organic solid waste that has been
27 subjected to controlled aerobic degradation at a solid waste facility
28 in compliance with the requirements of this chapter. Natural decay of
29 organic solid waste under uncontrolled conditions does not result in
30 composted material.

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

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

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

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

1 (9) "Functional standards" means criteria for solid waste handling
2 expressed in terms of expected performance or solid waste handling
3 functions.

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

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

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

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

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

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

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

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

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

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

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

1 (21) "Soil amendment" means any substance that is intended to
2 improve the physical characteristics of the soil, except composted
3 material, commercial fertilizers, agricultural liming agents,
4 unmanipulated animal manures, unmanipulated vegetable manures, food
5 wastes, food processing wastes, and materials exempted by rule of the
6 department, such as biosolids as defined in chapter 70.95J RCW and
7 wastewater as regulated in chapter 90.48 RCW.

8 (22) "Solid waste" or "wastes" means all putrescible and
9 nonputrescible solid and semisolid wastes including, but not limited
10 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
11 demolition and construction wastes, abandoned vehicles or parts
12 thereof, and recyclable materials.

13 (23) "Solid waste handling" means the management, storage,
14 collection, transportation, treatment, utilization, processing, and
15 final disposal of solid wastes, including the recovery and recycling of
16 materials from solid wastes, the recovery of energy resources from
17 solid wastes or the conversion of the energy in solid wastes to more
18 useful forms or combinations thereof.

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

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

27 (26) "Waste-derived soil amendment" means any soil amendment as
28 defined in this chapter that is derived from solid waste as defined in
29 RCW 70.95.030, but does not include biosolids or biosolids products
30 regulated under chapter 70.95J RCW or wastewaters regulated under
31 chapter 90.48 RCW.

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

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

1 **Sec. 5.** RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to
2 read as follows:

3 The director of general administration shall establish overall
4 state policy for compliance by all state agencies, including
5 educational institutions, regarding the following purchasing and
6 material control functions:

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

9 (2) Determination where consolidations, closures, or additions of
10 stores operated by state agencies and educational institutions should
11 be initiated;

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

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

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

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

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

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

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

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

38 (11) Formulation of criteria for determining when centralized
39 rather than decentralized purchasing shall be used to obtain maximum

1 benefit of volume buying of identical or similar items, including
2 procurement from federal supply sources;

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

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

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

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

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

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

21 (18) Development of procedures for mutual and voluntary cooperation
22 between state agencies, including educational institutions, and
23 political subdivisions for exchange of purchasing and material control
24 services;

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

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

35 (21) Development of goals for state use of recycled or
36 environmentally preferable products through specifications for products
37 and services, processes for requests for proposals and requests for
38 qualifications, contractor selection, and contract negotiations.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 81.77 RCW
2 to read as follows:

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

11 (2) By December 2, 2005, the commission shall provide a report to
12 the legislature that evaluates:

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

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

16 NEW SECTION. **Sec. 7.** The department of ecology shall designate a
17 portion of the responsibilities of existing staff to investigate and
18 draw conclusions by December 31, 2002, on the following:

19 (1) The use of scrap tires as alternative daily cover for
20 landfills. This shall include, but not be limited to, a review of
21 alternative daily cover specifications that have been developed by
22 other states, and either an analysis of those specifications'
23 applicability to Washington or recommendations for developing
24 alternative daily cover specifications that are unique to Washington;

25 (2) The feasibility of establishing and maintaining an incentive
26 program for market development for scrap tires. This shall include,
27 but not be limited to, the results of research into the availability of
28 funding for such a program and proposed criteria for the program that
29 favors projects utilizing higher end value uses of scrap tires.

30 NEW SECTION. **Sec. 8.** The department of transportation, in
31 consultation with the office of general administration when needed,
32 shall designate a portion of the responsibilities of existing staff to
33 evaluate scrap tire use for civil engineering and highway construction
34 applications by November 30, 2003. The evaluation shall include:

35 (1) An analysis of the feasibility of using scrap tires in
36 lightweight fills given the standards and specifications adopted by the
37 federal highway administration and other states; and

1 (2) An analysis of the feasibility of using rubber-modified asphalt
2 in highway projects, including any changes in the cost of such
3 procedures from the costs reported in the department of
4 transportation's 1992 report to the legislature on the use of recycled
5 materials in highway construction.

6 NEW SECTION. **Sec. 9.** A new section is added to chapter 70.95 RCW
7 to read as follows:

8 The department of ecology, in conjunction with the appropriate
9 private sector stakeholders, shall track and report annually to the
10 legislature the total increase or reduction of tire recycling or reuse
11 rates in the state for each calendar year and for the cumulative
12 calendar years from the effective date of this act.

Passed the House February 15, 2002.

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