
SENATE BILL 6341

State of Washington 62nd Legislature 2012 Regular Session

By Senators Kohl-Welles, Nelson, Chase, Frockt, Ranker, McAuliffe, Kline, and Keiser

Read first time 01/18/12. Referred to Committee on Environment.

1 AN ACT Relating to creating jobs by increasing the recycling of
2 discarded carpet; reenacting and amending RCW 43.21B.110 and
3 43.21B.110; adding a new section to chapter 42.56 RCW; adding a new
4 chapter to Title 70 RCW; prescribing penalties; providing an effective
5 date; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) In 2009, discarded carpet and padding equaled 3.6 percent of
9 Washington's disposed waste by weight. The estimated recycling rate
10 for carpet and padding in Washington was less than 2.3 percent in 2009.

11 (2) The recycling industry accounted for about four thousand five
12 hundred jobs in Washington in 2008, and despite the recession, new and
13 expanded recycling operations have opened.

14 (3) The annual economic value of recyclables collected in
15 Washington was estimated at three hundred twenty million dollars in
16 2008.

17 (4) Washington manufacturers gain access to recycled feedstock
18 materials, such as plastics, for their products.

1 (5) Certainty about availability of recycled feedstock materials is
2 significantly increased by product stewardship requirements.

3 (6) The national, voluntary, and industry-led approach to carpet
4 stewardship, the 2002 memorandum of understanding for carpet
5 stewardship, has not met its agreed-upon goal of forty percent carpet
6 recovery and has only achieved a four to five percent recovery rate
7 nationwide.

8 (7) Numerous products can be manufactured from recycled carpet,
9 including carpet backing and backing components, carpet fiber, carpet
10 underlayment, plastics and engineered materials, and erosion control
11 products.

12 NEW SECTION. **Sec. 2.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires otherwise.

14 (1) "Brand" means a name, symbol, word, or mark that identifies the
15 carpet, rather than its components, and attributes the carpet to the
16 owner or licensee of the brand as the manufacturer.

17 (2) "Carpet" means a manufactured article that is used in
18 commercial or residential buildings affixed or placed on the floor or
19 building walking surface as a decorative or functional building
20 interior or exterior feature and that is primarily constructed of a top
21 visible surface of natural or synthetic face fibers or yarns or tufts
22 attached to a backing system derived from synthetic or natural
23 materials. "Carpet" includes, but is not limited to, a commercial or
24 a residential broadloom carpet or modular carpet tiles. "Carpet"
25 includes a pad or underlayment used in conjunction with a carpet.
26 "Carpet" does not include handmade rugs, area rugs, or mats.

27 (3) "Carpet stewardship organization" or "organization" means
28 either of the following:

29 (a) An organization appointed by one or more producers to act as an
30 agent on behalf of the producer to design, submit, and administer a
31 product stewardship program under this chapter; or

32 (b) A carpet producer that complies with this chapter as an
33 individual producer.

34 (4) "Consumer" means a purchaser, owner, or lessee of carpet,
35 including a person, business, corporation, limited partnership,
36 nonprofit organization, or governmental entity. "Consumer" does not
37 include a retailer or wholesaler.

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

2 (6) "Discarded carpet" means carpet that is no longer used for its
3 manufactured purpose. However, the term does not include carpet scrap
4 generated during carpet production.

5 (7) "Market share" means the percentage of carpet by weight
6 identified for an individual producer that is sold in or into the state
7 during the reporting period as compared to all carpet identified for
8 all producers by weight sold in or into the state during the same
9 reporting period.

10 (8) "Producer" means the person who:

11 (a) Has legal ownership of the brand, brand name, or cobrand of the
12 carpet sold in or into Washington state. "Producer" does not include
13 a retailer who puts its store label on a carpet. If the carpet has a
14 retail brand label, the manufacturer is considered the producer;

15 (b) Imports carpet branded or manufactured by a producer that meets
16 the definition under (a) of this subsection and has no physical
17 presence in the United States; or

18 (c) Sells carpet, at retail or wholesale, and elects to fulfill the
19 responsibilities of the producer for that carpet.

20 (9) "Product stewardship program" or "program" means the methods,
21 systems, and services financed and provided by producers of carpet sold
22 in or into the state including collecting, transporting, processing,
23 and recycling of discarded carpet.

24 (10) "Product stewardship program plan" or "plan" means a detailed
25 plan describing the manner in which a product stewardship program will
26 be implemented.

27 (11) "Recycling" means transforming or remanufacturing waste
28 materials into a finished product for use other than combustion,
29 landfill disposal, or incineration.

30 (12) "Reporting period" means the period commencing January 1st and
31 ending December 31st in the same calendar year.

32 (13) "Retailer" means every person who sells or offers for sale,
33 new carpet in this state.

34 (14) "Reuse" means donating or selling collected carpet back into
35 the market for its original intended use in which the carpet retains
36 its original purpose and performance characteristics.

37 (15) "Sell" or "sales" means a transfer of title of a carpet for
38 consideration, including a remote sale conducted through a sales

1 outlet, catalog, internet web site, or similar electronic means. For
2 purposes of this chapter, "sell" or "sales" includes a lease through
3 which a carpet is provided to a consumer by a producer, wholesaler, or
4 retailer.

5 (16) "Source separated" means carpet that has been separated or
6 segregated from all other wastes, including but not limited to all
7 municipal solid waste, at the place where the carpet is discarded.

8 (17) "Wholesaler" means every person who purchases, sells, or
9 distributes new carpet in this state in a sale that is not a retail
10 sale, and in which the carpet is intended to be resold.

11 NEW SECTION. **Sec. 3.** (1) By January 1, 2013, a producer of carpet
12 sold in or into this state shall participate in a carpet stewardship
13 organization. A producer shall notify the department of its
14 participation in a carpet stewardship organization.

15 (2)(a) By January 31, 2014, every carpet stewardship organization
16 must submit to the department sales data from the years 2003 through
17 2012. The data must include the amount of carpet sold in or into the
18 state by square yards and weight in pounds, separating data for
19 residential and commercial carpet, providing a total for each and an
20 overall total, of each producer participating in the carpet stewardship
21 organization.

22 (b) Beginning January 31, 2014, and annually thereafter in an
23 annual report as required in section 6 of this act, every carpet
24 stewardship organization must submit to the department the previous
25 year's sales data that includes the amount of carpet sold in or into
26 the state by square yards and weight in pounds, for residential and
27 commercial carpet, providing a total for each and an overall total, of
28 each producer participating in the carpet stewardship organization.

29 (c) On March 1, 2013, each carpet stewardship organization must
30 submit an initial fee of one thousand dollars for each producer
31 represented to cover the one-time cost of the department's estimated
32 first annual fee as established in section 9 of this act.

33 (3)(a) A carpet stewardship organization shall submit to the
34 department a product stewardship program plan that is consistent with
35 the requirements of this section by January 1, 2014. A carpet
36 stewardship organization with a department-approved product stewardship
37 program plan must implement their program by January 1, 2015.

1 (b) A carpet stewardship organization must consult with
2 stakeholders, including retailers, installers, collectors, recyclers,
3 and local governments during the development of the product stewardship
4 program plan.

5 (4) A product stewardship program must:

6 (a) Have in place methods and systems for financing the program and
7 collecting, transporting, processing for recycling, and recycling
8 discarded carpet. The financing system must be sufficient for capital
9 costs of the program and for the product stewardship program to fund:
10 Education and outreach efforts; administrative and operational
11 activities; and other efforts that will advance the purposes of this
12 chapter;

13 (b) Be provided throughout the state as established in subsection
14 (6) of this section at no cost to all entities that remove carpet,
15 including but not limited to carpet and flooring installers, and
16 construction and demolition companies. The program may not charge a
17 fee at the time discarded carpet is collected. Collection services
18 must include convenient locations for entities that remove carpet and,
19 at minimum, one collection location open to the public per one hundred
20 thousand residents, and a minimum of one collection site open to the
21 public per county. A collection site in an adjacent county may be
22 deemed adequate after consultation with stakeholders described in
23 subsections (3)(b) and (4)(g) of this section;

24 (c) Include:

25 (i) Interim milestones, described by the stewardship organization,
26 that will:

27 (A) Increase the recycling of discarded carpet throughout the
28 state;

29 (B) Increase the recyclability of carpets; and

30 (C) Incentivize the market growth of secondary products made from
31 discarded carpet; and

32 (ii) Five-year performance goals for:

33 (A) Collecting and recycling discarded carpet;

34 (B) Managing discarded carpet consistent with the state's solid
35 waste priorities; and

36 (C) Collecting source separated carpet that meets acceptable
37 standards as required under subsection (7)(a) of this section;

1 (d) Describe how discarded carpet will be collected and recycled
2 throughout the state, including a list of collection locations,
3 processors, and recyclers that will be used in the program;

4 (e) Identify each producer participating in the product stewardship
5 program and provide contact information for each producer and the
6 brands covered by each producer;

7 (f) Include a proposal for achieving and maintaining performance
8 standards, beyond the five-year period described in (c) of this
9 subsection;

10 (g) Provide opportunities for public comment on the product
11 stewardship program, a summary of comments received, and responses to
12 those comments both prior to its submittal as a plan to the department
13 and annually thereafter; and

14 (h) Include education and outreach efforts to consumers, commercial
15 building owners, carpet installation contractors, and retailers
16 throughout the state to promote their participation in achieving the
17 product stewardship program's performance goals. At a minimum, the
18 education and outreach efforts must include:

19 (i) Written materials and templates of materials for reproduction
20 to be provided to retailers, local governments, carpet installation
21 contractors, and consumers at the time of purchase and delivery; and

22 (ii) Information addressing the condition of acceptable carpet as
23 required in subsection (7)(a) of this section. The product stewardship
24 program must provide the templates and materials free of charge.

25 (5) The carpet stewardship organization may offer incentives or
26 payments to collectors if necessary to ensure the carpet stewardship
27 program requirements are met, as described in subsection (4) of this
28 section.

29 (6) Carpet stewardship organizations shall implement programs
30 beginning:

31 (a) July 1, 2015, for the counties of Clark, King, Kitsap, Pierce,
32 Snohomish, and Spokane;

33 (b) July 1, 2016, for the counties of Benton, Franklin, Walla
34 Walla, and Yakima;

35 (c) July 1, 2017, for the counties of Chelan, Clallam, Cowlitz,
36 Grant, Grays Harbor, Island, Lewis, Mason, Skagit, Thurston, and
37 Whatcom; and

1 (d) July 1, 2018, for the counties of Adams, Asotin, Douglas,
2 Ferry, Garfield, Jefferson, Kittitas, Klickitat, Whitman, Pacific, Pend
3 Oreille, Okanogan, Columbia, San Juan, Skamania, Stevens, and Wahkiakum
4 in the cities where a carpet retailer is located, with a minimum of one
5 collection site open to the public per county.

6 (7) The program must:

7 (a) Accept all carpet that is source separated, dry, free of paint,
8 mold, mildew, asbestos, construction or demolition debris, and other
9 hazardous materials or chemicals that render the carpet unrecyclable;
10 and

11 (b) Ensure that carpet collected meeting the standards in (a) of
12 this subsection is processed for recycling or reuse and a minimum of
13 sixty percent of the processed carpet material by weight is recycled or
14 reused.

15 (8) The carpet stewardship organization administering a product
16 stewardship program shall notify the department within thirty days
17 after instituting a change that affects any part of requirements in
18 subsection (4) of this section to an approved product stewardship
19 program.

20 NEW SECTION. **Sec. 4.** The department or its designee may inspect
21 or review audits of carpet stewardship organizations and of carpet
22 processing and recycling facilities used to fulfill the requirements of
23 a product stewardship program.

24 NEW SECTION. **Sec. 5.** (1) Within sixty days after receiving a
25 product stewardship program plan for approval, the department shall
26 review the program, determine whether the program complies with the
27 requirements of this chapter, and notify the carpet stewardship
28 organization of its decision to approve or not approve the program.

29 (2) A product stewardship program may not be approved if the
30 department determines that the program will have the effect of reducing
31 the level of recycling of discarded carpet that has been achieved since
32 the effective date of this section or if the product stewardship
33 program does not meet program elements as required in section 3 of this
34 act.

35 (3) The department shall describe the reasons for its decision to
36 not approve a product stewardship program in the notice to a carpet

1 stewardship organization. The carpet stewardship organization shall
2 revise and resubmit the product stewardship program within sixty days
3 after receiving notice that the program was not approved. The
4 department shall review and approve or not approve the revised product
5 stewardship program within sixty days after receipt.

6 (4) On and after July 1, 2015, a product stewardship program not
7 approved by the department is not in compliance with this chapter. The
8 department must list any producer relying on such a product stewardship
9 program as noncompliant with the requirements of this chapter.

10 (5) The department must make all approved product stewardship
11 programs and annual reports available for public review on the
12 department's web site and at the department's headquarters. By July 1,
13 2015, and no later than July 1st annually thereafter, the department
14 shall post a notice on its web site listing producers that are and are
15 not in compliance with this chapter.

16 (6) The decision of the department to approve or to not approve a
17 product stewardship program under this section is appealable to the
18 pollution control hearings board as provided in RCW 43.21B.130.

19 NEW SECTION. **Sec. 6.** (1) Beginning January 1, 2016, and each year
20 thereafter, a carpet stewardship organization must submit to the
21 department an annual report describing its activities during the
22 preceding calendar year to achieve the purposes of this chapter.

23 (2) The report must demonstrate that the carpet stewardship
24 organization's product stewardship program has met the performance
25 goals of the program including achieving continuous meaningful
26 improvement in the rate of recycling discarded carpet subject to the
27 program. Further, the report must include all of the following:

28 (a) A description of how the product stewardship program has
29 implemented all of its required elements, including collecting,
30 transporting, processing, and recycling activities and how the program
31 has been implemented throughout the state as required in section 3(4)
32 and (6) of this act;

33 (b) The amount of carpet sold in the state, by square yards and
34 weight in pounds, for residential and commercial carpet and provide an
35 overall total, during the reporting period;

36 (c) The names and locations of carpet collectors used by the
37 product stewardship program during the reporting period;

1 (d) The amount of discarded carpet recycled and reused, by weight
2 in pounds, during the reporting period;

3 (e) The names and locations of carpet processing and recycling
4 facilities used by the product stewardship program and recycled and
5 reused end uses of collected carpet by weight, during the reporting
6 period;

7 (f) The amount of discarded carpet collected but not recycled or
8 reused, by weight, and its ultimate disposition;

9 (g) The total cost of implementing the product stewardship program
10 and an evaluation of the financing system;

11 (h) An evaluation of the effectiveness of the product stewardship
12 program, and anticipated steps, if needed, to improve performance
13 throughout the state;

14 (i) Examples of educational materials that were provided to
15 consumers, commercial building owners, carpet installation contractors,
16 and retailers during the reporting period and a summary of outreach
17 efforts, including timeline and frequency; and

18 (j) A summary of public comments received regarding the product
19 stewardship program and response to those comments.

20 (3) Proprietary information submitted to the department under this
21 chapter is exempt from public disclosure.

22 NEW SECTION. **Sec. 7.** (1) Beginning March 1, 2013, a producer that
23 offers carpet for sale in this state, but is not participating in a
24 carpet stewardship organization, is not in compliance with this
25 chapter.

26 (2) No producer may sell or offer for sale carpet in or into the
27 state unless the producer of the carpet is participating in an approved
28 product stewardship program. The department shall send a written
29 warning and a copy of this chapter and any rules adopted to implement
30 this chapter to a producer that is not participating in an approved
31 program. The written warning must inform the producer that it must
32 participate in an approved program within thirty days of the notice.

33 (3) A producer that is not listed on the department's internet web
34 site as required in section 5(5) of this act, but demonstrates to the
35 satisfaction of the department that the producer is in compliance with
36 this chapter before the next notice is required to be posted, may

1 request a certification letter from the department stating that the
2 producer is in compliance with this chapter. The letter constitutes
3 proof of compliance with this chapter.

4 (4) No one may distribute or sell carpet in or into the state from
5 producers who are not in compliance with this chapter. In-state
6 wholesalers, distributors, and retailers who have: (a) Possession of
7 carpet on the date that restrictions on the sale of carpet become
8 effective may exhaust their existing stock through sales; and (b)
9 specified and bid for a project prior to the effective date of this
10 section or prior to the date a producer has been determined to be out
11 of compliance may complete the specified project.

12 (5) The department shall serve, or send with delivery confirmation,
13 a written warning explaining the violation to any person known to be
14 distributing or selling carpet in or into the state from producers who
15 are not participating in a product stewardship program or who are not
16 in compliance with this chapter.

17 NEW SECTION. **Sec. 8.** (1) A carpet stewardship organization that
18 incurs costs in excess of five thousand dollars in collecting,
19 handling, recycling, or properly disposing of carpet manufactured by a
20 producer that (a) is required by section 3 of this act to operate or
21 participate in a carpet stewardship organization and did not at the
22 time the carpet was collected, and was not covered by the participation
23 by another manufacturer in a stewardship program and (b) can reasonably
24 be identified from a brand or marking on the carpet or by other
25 information, may bring a civil action or actions to recover costs,
26 damages, and fees specified in subsection (2) of this section, and if
27 successful shall be awarded these amounts.

28 (2) In an action brought pursuant to subsection (1) of this
29 section, the plaintiff carpet stewardship organization shall recover
30 from the defendant carpet manufacturer the costs the plaintiff incurred
31 in collecting, handling, recycling, or properly disposing of carpet
32 reasonably identified as having originated from the defendant carpet
33 manufacturer, plus an amount of damages equal to no less than three
34 times those costs, plus the plaintiff's attorneys' fees and costs of
35 litigation.

36 (3) An action to recover the costs specified in this section may be

1 brought in any court in the state, without regard to the amount in
2 dispute.

3 NEW SECTION. **Sec. 9.** (1) Beginning February 1, 2014, and annually
4 thereafter, the department shall establish an annual fee for each
5 carpet stewardship organization sufficient to cover only the
6 department's costs of administering and enforcing carpet stewardship
7 programs under this chapter. The total amount of annual fees collected
8 must not exceed the amount necessary to recover costs incurred by the
9 department in connection with the administration and oversight of the
10 requirements of this chapter. Any unspent money from the previous year
11 must be retained in the carpet product stewardship account created in
12 section 12 of this act and applied to reduce the payments by carpet
13 stewardship organizations in the following year. The department shall
14 establish a fee based on market share data provided by carpet
15 stewardship organizations as required in section 3(2)(b) of this act.

16 (2) The department must estimate the annual fee for the period of
17 July 1st through June 30th and notify the carpet stewardship
18 organizations by March 1st of each year. The department must collect
19 the annual fee from the carpet stewardship organizations by June 30th.

20 NEW SECTION. **Sec. 10.** Any person acquiring a producer, or who has
21 acquired a producer, has all responsibility for the acquired producer's
22 carpet, including carpet manufactured prior to July 1, 2012, unless
23 that responsibility remains with another entity under the purchase
24 agreement. The acquiring producer must provide the department a letter
25 from the entity that accepts responsibility for the carpet.

26 NEW SECTION. **Sec. 11.** Nothing in this chapter changes or limits
27 the authority of the Washington utilities and transportation commission
28 to regulate collection of solid waste, including curbside collection of
29 residential recyclable materials, nor does this chapter change or limit
30 the authority of a city or town to provide such service itself or by
31 contract under RCW 81.77.020.

32 NEW SECTION. **Sec. 12.** The carpet product stewardship account is
33 created in the state treasury. All receipts received by the department
34 from carpet stewardship organizations must be deposited in the account.

1 Expenditures from the account may be used by the department only for
2 administering this chapter. Moneys in the account may be spent only
3 after appropriation.

4 **Sec. 13.** RCW 43.21B.110 and 2010 c 210 s 7 and 2010 c 84 s 2 are
5 each reenacted and amended to read as follows:

6 (1) The hearings board shall only have jurisdiction to hear and
7 decide appeals from the following decisions of the department, the
8 director, local conservation districts, the air pollution control
9 boards or authorities as established pursuant to chapter 70.94 RCW,
10 local health departments, the department of natural resources, the
11 department of fish and wildlife, and the parks and recreation
12 commission:

13 (a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431,
14 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, 88.46.090,
15 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

16 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
17 43.27A.190, 70.94.211, 70.94.332, section 5 of this act, 70.105.095,
18 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

19 (c) A final decision by the department or director made under
20 chapter 183, Laws of 2009.

21 (d) Except as provided in RCW 90.03.210(2), the issuance,
22 modification, or termination of any permit, certificate, or license by
23 the department or any air authority in the exercise of its
24 jurisdiction, including the issuance or termination of a waste disposal
25 permit, the denial of an application for a waste disposal permit, the
26 modification of the conditions or the terms of a waste disposal permit,
27 or a decision to approve or deny an application for a solid waste
28 permit exemption under RCW 70.95.300.

29 (e) Decisions of local health departments regarding the grant or
30 denial of solid waste permits pursuant to chapter 70.95 RCW.

31 (f) Decisions of local health departments regarding the issuance
32 and enforcement of permits to use or dispose of biosolids under RCW
33 70.95J.080.

34 (g) Decisions of the department regarding waste-derived fertilizer
35 or micronutrient fertilizer under RCW 15.54.820, and decisions of the
36 department regarding waste-derived soil amendments under RCW 70.95.205.

1 (h) Decisions of local conservation districts related to the denial
2 of approval or denial of certification of a dairy nutrient management
3 plan; conditions contained in a plan; application of any dairy nutrient
4 management practices, standards, methods, and technologies to a
5 particular dairy farm; and failure to adhere to the plan review and
6 approval timelines in RCW 90.64.026.

7 (i) Any other decision by the department or an air authority which
8 pursuant to law must be decided as an adjudicative proceeding under
9 chapter 34.05 RCW.

10 (j) Decisions of the department of natural resources, the
11 department of fish and wildlife, and the department that are reviewable
12 under chapter 76.09 RCW, and the department of natural resources'
13 appeals of county, city, or town objections under RCW 76.09.050(7).

14 (k) Forest health hazard orders issued by the commissioner of
15 public lands under RCW 76.06.180.

16 (l) Decisions of the department of fish and wildlife to issue,
17 deny, condition, or modify a hydraulic project approval permit under
18 chapter 77.55 RCW.

19 (m) Decisions of the department of natural resources that are
20 reviewable under RCW 78.44.270.

21 (n) Decisions of a state agency that is an authorized public entity
22 under RCW 79.100.010 to take temporary possession or custody of a
23 vessel or to contest the amount of reimbursement owed that are
24 reviewable under RCW 79.100.120.

25 (2) The following hearings shall not be conducted by the hearings
26 board:

27 (a) Hearings required by law to be conducted by the shorelines
28 hearings board pursuant to chapter 90.58 RCW.

29 (b) Hearings conducted by the department pursuant to RCW 70.94.332,
30 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

31 (c) Appeals of decisions by the department under RCW 90.03.110 and
32 90.44.220.

33 (d) Hearings conducted by the department to adopt, modify, or
34 repeal rules.

35 ~~((e) Appeals of decisions by the department as provided in chapter~~
36 ~~43.211 RCW.))~~

37 (3) Review of rules and regulations adopted by the hearings board

1 shall be subject to review in accordance with the provisions of the
2 administrative procedure act, chapter 34.05 RCW.

3 **Sec. 14.** RCW 43.21B.110 and 2010 c 210 s 8 and 2010 c 84 s 3 are
4 each reenacted and amended to read as follows:

5 (1) The hearings board shall only have jurisdiction to hear and
6 decide appeals from the following decisions of the department, the
7 director, local conservation districts, the air pollution control
8 boards or authorities as established pursuant to chapter 70.94 RCW,
9 local health departments, the department of natural resources, the
10 department of fish and wildlife, and the parks and recreation
11 commission:

12 (a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431,
13 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, 88.46.090,
14 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

15 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
16 43.27A.190, 70.94.211, 70.94.332, section 5 of this act, 70.105.095,
17 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

18 (c) Except as provided in RCW 90.03.210(2), the issuance,
19 modification, or termination of any permit, certificate, or license by
20 the department or any air authority in the exercise of its
21 jurisdiction, including the issuance or termination of a waste disposal
22 permit, the denial of an application for a waste disposal permit, the
23 modification of the conditions or the terms of a waste disposal permit,
24 or a decision to approve or deny an application for a solid waste
25 permit exemption under RCW 70.95.300.

26 (d) Decisions of local health departments regarding the grant or
27 denial of solid waste permits pursuant to chapter 70.95 RCW.

28 (e) Decisions of local health departments regarding the issuance
29 and enforcement of permits to use or dispose of biosolids under RCW
30 70.95J.080.

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32 or micronutrient fertilizer under RCW 15.54.820, and decisions of the
33 department regarding waste-derived soil amendments under RCW 70.95.205.

34 (g) Decisions of local conservation districts related to the denial
35 of approval or denial of certification of a dairy nutrient management
36 plan; conditions contained in a plan; application of any dairy nutrient

1 management practices, standards, methods, and technologies to a
2 particular dairy farm; and failure to adhere to the plan review and
3 approval timelines in RCW 90.64.026.

4 (h) Any other decision by the department or an air authority which
5 pursuant to law must be decided as an adjudicative proceeding under
6 chapter 34.05 RCW.

7 (i) Decisions of the department of natural resources, the
8 department of fish and wildlife, and the department that are reviewable
9 under chapter 76.09 RCW, and the department of natural resources'
10 appeals of county, city, or town objections under RCW 76.09.050(7).

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12 public lands under RCW 76.06.180.

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14 deny, condition, or modify a hydraulic project approval permit under
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17 reviewable under RCW 78.44.270.

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19 under RCW 79.100.010 to take temporary possession or custody of a
20 vessel or to contest the amount of reimbursement owed that are
21 reviewable under RCW 79.100.120.

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27 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

28 (c) Appeals of decisions by the department under RCW 90.03.110 and
29 90.44.220.

30 (d) Hearings conducted by the department to adopt, modify, or
31 repeal rules.

32 ~~((e) Appeals of decisions by the department as provided in chapter
33 43.211 RCW.))~~

34 (3) Review of rules and regulations adopted by the hearings board
35 shall be subject to review in accordance with the provisions of the
36 administrative procedure act, chapter 34.05 RCW.

1 NEW SECTION. **Sec. 15.** By December 1, 2017, the department shall
2 report to the appropriate committees of the legislature concerning the
3 status of adoption and implementation of carpet stewardship programs
4 and recommendations for revisions to improve the rate of carpet
5 recycling and other goals of this chapter.

6 NEW SECTION. **Sec. 16.** If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.

10 NEW SECTION. **Sec. 17.** Section 13 of this act expires June 30,
11 2019.

12 NEW SECTION. **Sec. 18.** Section 14 of this act takes effect June
13 30, 2019.

14 NEW SECTION. **Sec. 19.** A new section is added to chapter 42.56 RCW
15 to read as follows:

16 Proprietary data submitted to the department of ecology under
17 section 7(3) of this act is exempt from disclosure under this chapter.

18 NEW SECTION. **Sec. 20.** Sections 1 through 12 and 15 of this act
19 constitute a new chapter in Title 70 RCW.

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