
SUBSTITUTE HOUSE BILL 1543

State of Washington

66th Legislature

2019 Regular Session

By House Environment & Energy (originally sponsored by Representatives Mead, Doglio, Lekanoff, Peterson, Fey, Appleton, Shewmake, Stanford, Tharinger, Jenkins, Pollet, Slatter, Frame, and Davis; by request of Department of Ecology)

READ FIRST TIME 02/18/19.

1 AN ACT Relating to sustainable recycling; amending RCW 70.93.180
2 70.95.090, 70.95.100, and 70.95.130; adding a new chapter to Title 70
3 RCW; providing an effective date; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) Recycling reduces greenhouse gas emissions, conserves energy
7 and landfill space, provides jobs and valuable feedstock materials to
8 industry, promotes health, and protects the environment;

9 (b) Washington has long been a leader in sound management of
10 recyclable materials and solid waste;

11 (c) Waste import restrictions worldwide are having huge
12 implications for state and local recycling programs and operations in
13 Washington state, requiring immediate action by the legislature;

14 (d) In order to maintain our leadership in recycling and create
15 regional domestic markets, Washington must be innovative and
16 implement best practices for recycling and waste reduction;

17 (e) Washington's environment and economy will benefit from
18 expanding the number of industries that process recycled materials
19 and use recycled feedstocks in their manufacturing;

20 (f) Washington recognizes the value of manufacturing incentives
21 to encourage recycling industries to locate and operate in Washington

1 and provide manufacturer incentives to improve the recyclability of
2 their products;

3 (g) Many local governments and private entities cumulatively
4 affect, and are affected by, the market for recycled commodities but
5 have limited jurisdiction and cannot adequately address the problems
6 of market development that are complex, wide-ranging, and regional in
7 nature;

8 (h) A sustainable recycling system is one that is economically
9 sustainable, in addition to environmentally sustainable;

10 (i) The private sector has the greatest capacity for creating and
11 expanding markets for recycled commodities and the development of
12 private markets for recycled commodities is in the public interest;
13 and

14 (j) Washington must create a center to facilitate business
15 assistance, provide basic and applied research and development, as
16 well as policy analysis, to further the development of domestic
17 processing and markets for recycled commodities.

18 (2) Therefore, it is the policy of the state to create the
19 recycling development center to research, incentivize, and develop
20 new markets and expand existing markets for recycled commodities and
21 recycling facilities.

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

25 (1) "Center" means recycling development center.

26 (2) "Department" means the department of ecology.

27 (3) "Director" means the director of the department of ecology.

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

29 (5) "Multiple-family residence" means any structure housing two
30 or more dwelling units.

31 (6) "Recyclable materials" means those solid wastes that are
32 separated for recycling or reuse, such as papers, metals, and glass,
33 that are identified as recyclable material pursuant to a local
34 comprehensive solid waste plan.

35 (7) "Recycling" means transforming or remanufacturing waste
36 materials into usable or marketable materials for use other than
37 landfill disposal or incineration.

38 (8) "Secondary materials" means any materials that are not the
39 primary products from manufacturing and other industrial sectors.

1 These materials may include scrap and residuals from production
2 processes and products that have been recovered at the end of their
3 useful life.

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

9 (10) "Waste reduction" means reducing the amount or toxicity of
10 waste generated or reusing materials.

11 NEW SECTION. **Sec. 3.** (1) The recycling development center is
12 created within the department of ecology.

13 (2) The purpose of the center is to provide or facilitate basic
14 and applied research and development, marketing, and policy analysis
15 in furthering the development of markets and processing for recycled
16 commodities and products. As used in this chapter, market development
17 consists of public and private activities that are used to overcome
18 impediments preventing full and productive use of secondary materials
19 diverted from the waste stream, and that encourage and expand use of
20 those materials and subsequent products. In fulfilling this mission,
21 the center must initially direct its services to businesses that
22 transform or remanufacture waste materials into usable or marketable
23 materials or products for use rather than disposal.

24 (3) The center must perform the following activities:

25 (a) Develop an annual work plan. The work plan must describe
26 actions and recommendations for developing markets for commodities
27 comprising a significant percentage of the waste stream and having
28 potential for use as an industrial or commercial feedstock, with
29 initial focus on mixed waste paper and plastics;

30 (b) Evaluate, analyze, and make recommendations on state policies
31 that may affect markets for recyclable materials. Such
32 recommendations must include explicit consideration of the costs and
33 benefits of the market-effecting policies, including estimates of the
34 anticipated: Rate impacts on solid waste utility ratepayers; impacts
35 on the prices of consumer goods affected by the recommended policies;
36 and impacts on rates of recycling or utilization of postconsumer
37 materials;

1 (c) Work with manufacturers and producers of packaging and other
2 potentially recyclable materials on their work to increase the
3 ability of their products to be recycled or reduced in Washington;

4 (d) Initiate, conduct, or contract for studies relating to market
5 development for recyclable materials, including but not limited to
6 applied research, technology transfer, and pilot demonstration
7 projects;

8 (e) Obtain and disseminate information relating to market
9 development for recyclable materials from other state and local
10 agencies and other sources;

11 (f) Contract with individuals, corporations, trade associations,
12 and research institutions for the purposes of this chapter;

13 (g) Provide grants or contracts to local governments, state
14 agencies, or other public institutions to further the development or
15 revitalization of recycling markets in accordance with applicable
16 rules and regulations. The department may adopt any rules necessary
17 to implement and enforce this chapter, including but not limited to
18 measures for the center's performance;

19 (h) Provide business and marketing assistance to public and
20 private sector entities within the state;

21 (i) Represent the state in regional and national market
22 development issues and work to create a regional recycling
23 development council that will work across either state or provincial
24 borders, or both;

25 (j) Wherever necessary, the center must work with: Material
26 recovery facility operators; public and private sector recycling and
27 solid waste industries; packaging manufacturers and retailers; local
28 governments; environmental organizations; interested colleges and
29 universities; and state agencies, including the department of
30 commerce and the utilities and transportation commission; and

31 (k) Report to the legislature and the governor each even-numbered
32 year on the progress of achieving the center's purpose and performing
33 the center's activities, including any effects on state recycling
34 rates or rates of utilization of postconsumer materials in
35 manufactured products that can reasonably be attributed, at least in
36 part, to the activities of the center.

37 (4) In order to carry out its responsibilities under this
38 chapter, the department must enter into an interagency agreement with
39 the department of commerce to perform or contract for the following
40 activities:

1 (a) Provide targeted business assistance to recycling businesses,
2 including:

3 (i) Development of business plans;

4 (ii) Market research and planning information;

5 (iii) Referral and information on market conditions; and

6 (iv) Information on new technology and product development;

7 (b) Conduct outreach to negotiate voluntary agreements with
8 manufacturers to increase the use of recycled materials in product
9 development;

10 (c) Support, promote, and identify research and development to
11 stimulate new technologies and products using recycled materials;

12 (d) Actively promote manufacturing with recycled commodities, as
13 well as purchasing of recycled products by state agencies, local
14 governments, and the private sector;

15 (e) Undertake studies on the unmet capital and other needs of
16 reprocessing and manufacturing firms using recycled materials, such
17 as financing and incentive programs; and

18 (f) Conduct research to understand the waste stream supply chain
19 and incentive strategies for retention, expansion, and attraction of
20 innovative recycling technology businesses.

21 NEW SECTION. **Sec. 4.** (1) The center's activities must be guided
22 by an advisory board.

23 (2) The duties of the advisory board are to:

24 (a) Provide advice and guidance on the annual work plan of the
25 center; and

26 (b) Evaluate, analyze, and make recommendations on state policies
27 that may affect markets for recyclable materials to the director and
28 the department of commerce.

29 (3) Except as otherwise provided, advisory board members must be
30 appointed by the director in consultation with the department of
31 commerce as follows:

32 (a) One member to represent cities;

33 (b) One member to represent eastside counties;

34 (c) One member to represent westside counties;

35 (d) One member to represent public interest groups;

36 (e) Three members from universities or state and federal research
37 institutions;

1 (f) Up to seven private sector members to represent all aspects
2 of the recycling materials system, including but not limited to
3 manufacturing and packaging, and solid waste management;

4 (g) The chair of the utilities and transportation commission or
5 the chair's designee as a nonvoting member; and

6 (h) Nonvoting, temporary appointments to the board may be made by
7 the chair of the advisory board where specific expertise is needed.

8 (4) The initial appointments of the seven private sector members
9 are as follows: Three members with three-year terms and four members
10 with two-year terms. Thereafter, members serve two-year renewable
11 terms.

12 (5) The advisory board must meet at least quarterly.

13 (6) The chair of the advisory board must be elected from among
14 the members by a simple majority vote.

15 (7) The advisory board may adopt bylaws and a charter for the
16 operation of its business for the purposes of this chapter.

17 (8) The department shall provide staff support to the advisory
18 board.

19 **Sec. 5.** RCW 70.93.180 and 2015 c 15 s 3 are each amended to read
20 as follows:

21 (1) There is hereby created an account within the state treasury
22 to be known as the waste reduction, recycling, and litter control
23 account. Moneys in the account may be spent only after appropriation.
24 Expenditures from the waste reduction, recycling, and litter control
25 account shall be used as follows:

26 (a) (~~Fifty~~) Forty percent to the department of ecology, for use
27 by the departments of ecology, natural resources, revenue,
28 transportation, and corrections, and the parks and recreation
29 commission, for use in litter collection programs, to be distributed
30 under RCW 70.93.220. The amount to the department of ecology shall
31 also be used for a central coordination function for litter control
32 efforts statewide; for statewide public awareness programs under RCW
33 70.93.200(7); and to support employment of youth in litter cleanup as
34 intended in RCW 70.93.020, and for litter pick up using other
35 authorized agencies. The amount to the department shall also be used
36 to defray the costs of administering the funding, coordination, and
37 oversight of local government programs for waste reduction, litter
38 control, recycling, and composting so that local governments can
39 apply one hundred percent of their funding to achieving program

1 goals. The amount to the department of revenue shall be used to
2 enforce compliance with the litter tax imposed in chapter 82.19 RCW;

3 (b) (i) Twenty percent to the department for local government
4 funding programs for waste reduction, litter control, recycling
5 activities, and composting activities by cities and counties under
6 RCW 70.93.250, to be administered by the department of ecology; (ii)
7 any unspent funds under (b) (i) of this subsection may be used to
8 create and pay for a matching fund competitive grant program to be
9 used by local governments for the development and implementation of
10 contamination reduction and outreach plans for inclusion in
11 comprehensive solid waste management plans or by local governments
12 and nonprofit organizations for local or statewide education programs
13 designed to help the public with litter control, waste reduction,
14 recycling, and composting of primarily the products taxed under
15 chapter 82.19 RCW. Grants must adhere to the following requirements:
16 (A) No grant may exceed sixty thousand dollars; (B) grant recipients
17 shall match the grant funding allocated by the department by an
18 amount equal to twenty-five percent of eligible expenses. A local
19 government's share of these costs may be met by cash or contributed
20 services; (C) the obligation of the department to make grant payments
21 is contingent upon the availability of the amount of money
22 appropriated for this subsection (1)(b); and (D) grants are managed
23 under the guidelines for existing grant programs; and

24 (c) (~~Thirty~~) Forty percent to the department of ecology to: (i)
25 Implement activities under RCW 70.93.200 for waste reduction,
26 recycling, and composting efforts; (ii) provide technical assistance
27 to local governments (~~for~~) and commercial (~~business and~~
28 ~~residential~~) businesses to increase recycling markets and recycling
29 and composting programs primarily for the products taxed under
30 chapter 82.19 RCW designed to educate citizens about waste reduction,
31 litter control, and recyclable and compostable products and programs;
32 and (iii) increase access to waste reduction, composting, and
33 recycling programs, particularly for food packaging and plastic bags
34 and appropriate composting techniques.

35 (2) All taxes imposed in RCW 82.19.010 and fines and bail
36 forfeitures collected or received pursuant to this chapter shall be
37 deposited in the waste reduction, recycling, and litter control
38 account and used for the programs under subsection (1) of this
39 section.

1 (3) Not less than five percent and no more than ten percent of
2 the amount appropriated into the waste reduction, recycling, and
3 litter control account every biennium shall be reserved for capital
4 needs, including the purchase of vehicles for transporting crews and
5 for collecting litter and solid waste. Capital funds shall be
6 distributed among state agencies and local governments according to
7 the same criteria provided in RCW 70.93.220 for the remainder of the
8 funds, so that the most effective waste reduction, litter control,
9 recycling, and composting programs receive the most funding. The
10 intent of this subsection is to provide funds for the purchase of
11 equipment that will enable the department to account for the greatest
12 return on investment in terms of reaching a zero litter goal.

13 (4) Funds in the waste reduction, recycling, and litter control
14 account, collected under chapter 82.19 RCW, must be prioritized for
15 the products identified under RCW 82.19.020 solely for the purposes
16 of recycling, composting, and litter collection, reduction, and
17 control programs.

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

20 Each county and city comprehensive solid waste management plan
21 shall include the following:

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

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

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

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

34 (b) Take into account the comprehensive land use plan of each
35 jurisdiction;

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

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

4 (4) A program for surveillance and control.

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

8 (a) Any franchise for solid waste collection granted by the
9 utilities and transportation commission in the respective
10 jurisdictions including the name of the holder of the franchise and
11 the address of his or her place of business and the area covered by
12 the franchise;

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

15 (c) The population density of each area serviced by a city
16 operation or by a franchised operation within the respective
17 jurisdictions;

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

20 (6) A comprehensive waste reduction and recycling element that,
21 in accordance with the priorities established in RCW 70.95.010,
22 provides programs that (a) reduce the amount of waste generated, (b)
23 provide incentives and mechanisms for source separation, and (c)
24 establish recycling opportunities for the source separated waste.

25 (7) The waste reduction and recycling element shall include the
26 following:

27 (a) Waste reduction strategies;

28 (b) Source separation strategies, including:

29 (i) Programs for the collection of source separated materials
30 from residences in urban and rural areas. In urban areas, these
31 programs shall include collection of source separated recyclable
32 materials from single and multiple-family residences, unless the
33 department approves an alternative program, according to the criteria
34 in the planning guidelines. Such criteria shall include: Anticipated
35 recovery rates and levels of public participation, availability of
36 environmentally sound disposal capacity, access to markets for
37 recyclable materials, unreasonable cost impacts on the ratepayer over
38 the six-year planning period, utilization of environmentally sound
39 waste reduction and recycling technologies, and other factors as
40 appropriate. In rural areas, these programs shall include but not be

1 limited to drop-off boxes, buy-back centers, or a combination of
2 both, at each solid waste transfer, processing, or disposal site, or
3 at locations convenient to the residents of the county. The drop-off
4 boxes and buy-back centers may be owned or operated by public,
5 nonprofit, or private persons;

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

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

13 (iv) Programs to educate and promote the concepts of waste
14 reduction and recycling;

15 (c) Recycling strategies, including a description of markets for
16 recyclables, a review of waste generation trends, a description of
17 waste composition, a discussion and description of existing programs
18 and any additional programs needed to assist public and private
19 sector recycling, and an implementation schedule for the designation
20 of specific materials to be collected for recycling, and for the
21 provision of recycling collection services;

22 (d) Other information the county or city submitting the plan
23 determines is necessary.

24 (8) An assessment of the plan's impact on the costs of solid
25 waste collection. The assessment shall be prepared in conformance
26 with guidelines established by the utilities and transportation
27 commission. The commission shall cooperate with the Washington state
28 association of counties and the association of Washington cities in
29 establishing such guidelines.

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

32 (10) A contamination reduction and outreach plan. The
33 contamination reduction and outreach plan must address reducing
34 contamination in recycling. By July 1, 2021, a contamination
35 reduction and outreach plan must be included in each solid waste
36 management plan by a plan amendment or included when revising or
37 updating a solid waste management plan developed under this chapter.
38 Jurisdictions may adopt the state's contamination reduction and
39 outreach plan as developed under RCW 70.95.100 in lieu of creating

1 their own plan. A recycling contamination reduction and outreach plan
2 must include the following:

3 (a) A list of actions for reducing contamination in recycling
4 programs for single-family and multifamily residences, commercial
5 locations, and drop boxes depending on the jurisdictions system
6 components;

7 (b) A list of key contaminants identified by the jurisdiction or
8 identified by the department;

9 (c) A discussion of problem contaminants and the contaminants'
10 impact on the collection system;

11 (d) An analysis of the costs and other impacts associated with
12 contaminants to the recycling system; and

13 (e) An implementation schedule and details of how outreach is to
14 be conducted. Contamination reduction education methods may include
15 sharing community-wide messaging through newsletters, articles,
16 mailers, social media, web sites, or community events, informing
17 recycling drop box customers about contamination, and improving
18 signage.

19 **Sec. 7.** RCW 70.95.100 and 1989 c 431 s 6 are each amended to
20 read as follows:

21 (1) The department or the commission, as appropriate, shall
22 provide to counties and cities technical assistance including, but
23 not limited to, planning guidelines, in the preparation, review, and
24 revision of solid waste management plans required by this chapter.
25 Guidelines prepared under this section shall be consistent with the
26 provisions of this chapter. Guidelines for the preparation of the
27 waste reduction and recycling element of the comprehensive solid
28 waste management plan shall be completed by the department by March
29 15, 1990. These guidelines shall provide recommendations to local
30 government on materials to be considered for designation as
31 recyclable materials. The state solid waste management plan prepared
32 pursuant to RCW 70.95.260 shall be consistent with these guidelines.

33 (2) The department shall be responsible for development and
34 implementation of a comprehensive statewide public information
35 program designed to encourage waste reduction, source separation, and
36 recycling by the public. The department shall operate a toll free
37 hotline to provide the public information on waste reduction and
38 recycling.

1 (3) The department shall provide technical assistance to local
2 governments in the development and dissemination of informational
3 materials and related activities to assure recognition of unique
4 local waste reduction and recycling programs.

5 (4)(a) The department must create and implement a statewide
6 recycling contamination reduction and outreach plan based on best
7 management practices for recycling, developed with stakeholder input
8 by July 1, 2020. Jurisdictions may use the statewide plan in lieu of
9 developing their own plan.

10 (b) The department must provide technical assistance and create
11 guidance to help local jurisdictions determine the extent of
12 contamination in their regional recycling and to develop
13 contamination reduction and outreach plans. Contamination means any
14 material not included on the local jurisdiction's acceptance list.

15 (c) Contamination reduction education methods may include sharing
16 community-wide messaging through newsletters, articles, mailers,
17 social media, web sites, or community events, informing recycling
18 drop box customers about contamination, and improving signage.

19 (d) The department must cite the sources of information that it
20 relied upon, including any peer-reviewed science, in the development
21 of the best management practices for recycling under (a) of this
22 subsection and the guidance developed under (b) of this subsection.

23 (5) Local governments shall make all materials and information
24 developed with the assistance grants provided under RCW 70.95.130
25 available to the department for potential use in other areas of the
26 state.

27 **Sec. 8.** RCW 70.95.130 and 1969 ex.s. c 134 s 13 are each amended
28 to read as follows:

29 Any county may apply to the department on a form prescribed
30 thereby for financial aid for the preparation and implementation of
31 the comprehensive county plan for solid waste management required by
32 RCW 70.95.080, including contamination reduction and outreach plans.
33 Any city electing to prepare an independent city plan, a joint city
34 plan, or a joint county-city plan for solid waste management for
35 inclusion in the county comprehensive plan may apply for financial
36 aid for such purpose through the county. Every city application for
37 financial aid for planning shall be filed with the county auditor and
38 shall be included as a part of the county's application for financial

1 aid. Any city preparing an independent plan shall provide for
2 disposal sites wholly within its jurisdiction.

3 The department shall allocate to the counties and cities applying
4 for financial aid for planning and implementation, including
5 contamination reduction and outreach plan development and
6 implementation, such funds as may be available pursuant to
7 legislative appropriations or from any federal grants for such
8 purpose.

9 The department shall determine priorities and allocate available
10 funds among the counties and cities applying for aid according to
11 criteria established by regulations of the department considering
12 population, urban development, environmental effects of waste
13 disposal, existing waste handling practices, and the local
14 justification of their proposed expenditures.

15 NEW SECTION. **Sec. 9.** Sections 1 through 4 of this act
16 constitute a new chapter in Title 70 RCW.

17 NEW SECTION. **Sec. 10.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of
19 the state government and its existing public institutions, and takes
20 effect July 1, 2019.

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