
SUBSTITUTE SENATE BILL 5545

State of Washington

66th Legislature

2019 Regular Session

By Senate Ways & Means (originally sponsored by Senators Das, Rolfes, Takko, McCoy, Hunt, Keiser, Nguyen, and Hasegawa; by request of Department of Ecology)

READ FIRST TIME 03/01/19.

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

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

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

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

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

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

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

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

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

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

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

36 (8) "Secondary materials" means any materials that are not the
37 primary products from manufacturing and other industrial sectors.
38 These materials may include scrap and residuals from production

1 processes and products that have been recovered at the end of their
2 useful life.

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

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

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

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

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

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

29 (b) Evaluate, analyze, and make recommendations on state policies
30 that may affect markets for recyclable materials;

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

34 (d) Initiate, conduct, or contract for studies relating to market
35 development for recyclable materials, including but not limited to
36 applied research, technology transfer, and pilot demonstration
37 projects;

1 (e) Obtain and disseminate information relating to market
2 development for recyclable materials from other state and local
3 agencies and other sources;

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

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

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

14 (i) Represent the state in regional and national market
15 development issues and work to create a regional recycling
16 development council that will work across either state or provincial
17 borders, or both;

18 (j) Wherever necessary, the center must work with: Material
19 recovery facility operators; public and private sector recycling and
20 solid waste industries; packaging manufacturers and retailers; local
21 governments; environmental organizations; interested colleges and
22 universities; and state agencies, including the department of
23 commerce and the utilities and transportation commission; and

24 (k) Report to the legislature and the governor each even-numbered
25 year on the progress of achieving the center's purpose and performing
26 the center's activities.

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

31 (a) Provide targeted business assistance to recycling businesses,
32 including:

33 (i) Development of business plans;

34 (ii) Market research and planning information;

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

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

37 (b) Conduct outreach to negotiate voluntary agreements with
38 manufacturers to increase the use of recycled materials in product
39 development;

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

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

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

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

12 (5) The requirements of this section are subject to the
13 availability of amounts appropriated for this specific purpose.

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

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

17 (a) Provide advice and guidance on the annual work plan of the
18 center; and

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

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

25 (a) One member to represent cities;

26 (b) One member to represent eastside counties;

27 (c) One member to represent westside counties;

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

29 (e) Three members from universities or state and federal research
30 institutions;

31 (f) Up to seven private sector members to represent all aspects
32 of the recycling materials system, including but not limited to
33 manufacturing and packaging, solid waste management, and at least one
34 not-for-profit organization familiar with innovative recycling
35 solutions that are being used internationally in Scandinavia, China,
36 and other countries;

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

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

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

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

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

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

12 (8) The department shall provide staff support to the advisory
13 board.

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

16 (1) There is hereby created an account within the state treasury
17 to be known as the waste reduction, recycling, and litter control
18 account. Moneys in the account may be spent only after appropriation.
19 Expenditures from the waste reduction, recycling, and litter control
20 account shall be used as follows:

21 (a) (~~Fifty~~) Forty percent to the department of ecology, for use
22 by the departments of ecology, natural resources, revenue,
23 transportation, and corrections, and the parks and recreation
24 commission, for use in litter collection programs, to be distributed
25 under RCW 70.93.220. The amount to the department of ecology shall
26 also be used for a central coordination function for litter control
27 efforts statewide; for statewide public awareness programs under RCW
28 70.93.200(7); and to support employment of youth in litter cleanup as
29 intended in RCW 70.93.020, and for litter pick up using other
30 authorized agencies. The amount to the department shall also be used
31 to defray the costs of administering the funding, coordination, and
32 oversight of local government programs for waste reduction, litter
33 control, recycling, and composting so that local governments can
34 apply one hundred percent of their funding to achieving program
35 goals. The amount to the department of revenue shall be used to
36 enforce compliance with the litter tax imposed in chapter 82.19 RCW;

37 (b) (i) Twenty percent to the department for local government
38 funding programs for waste reduction, litter control, recycling
39 activities, and composting activities by cities and counties under

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

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

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

35 (3) Not less than five percent and no more than ten percent of
36 the amount appropriated into the waste reduction, recycling, and
37 litter control account every biennium shall be reserved for capital
38 needs, including the purchase of vehicles for transporting crews and
39 for collecting litter and solid waste. Capital funds shall be
40 distributed among state agencies and local governments according to

1 the same criteria provided in RCW 70.93.220 for the remainder of the
2 funds, so that the most effective waste reduction, litter control,
3 recycling, and composting programs receive the most funding. The
4 intent of this subsection is to provide funds for the purchase of
5 equipment that will enable the department to account for the greatest
6 return on investment in terms of reaching a zero litter goal.

7 (4) Funds in the waste reduction, recycling, and litter control
8 account, collected under chapter 82.19 RCW, must be prioritized for
9 the products identified under RCW 82.19.020 solely for the purposes
10 of recycling, composting, and litter collection, reduction, and
11 control programs.

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

14 Each county and city comprehensive solid waste management plan
15 shall include the following:

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

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

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

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

28 (b) Take into account the comprehensive land use plan of each
29 jurisdiction;

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

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

35 (4) A program for surveillance and control.

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

1 (a) Any franchise for solid waste collection granted by the
2 utilities and transportation commission in the respective
3 jurisdictions including the name of the holder of the franchise and
4 the address of his or her place of business and the area covered by
5 the franchise;

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

8 (c) The population density of each area serviced by a city
9 operation or by a franchised operation within the respective
10 jurisdictions;

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

13 (6) A comprehensive waste reduction and recycling element that,
14 in accordance with the priorities established in RCW 70.95.010,
15 provides programs that (a) reduce the amount of waste generated, (b)
16 provide incentives and mechanisms for source separation, and (c)
17 establish recycling opportunities for the source separated waste.

18 (7) The waste reduction and recycling element shall include the
19 following:

20 (a) Waste reduction strategies;

21 (b) Source separation strategies, including:

22 (i) Programs for the collection of source separated materials
23 from residences in urban and rural areas. In urban areas, these
24 programs shall include collection of source separated recyclable
25 materials from single and multiple-family residences, unless the
26 department approves an alternative program, according to the criteria
27 in the planning guidelines. Such criteria shall include: Anticipated
28 recovery rates and levels of public participation, availability of
29 environmentally sound disposal capacity, access to markets for
30 recyclable materials, unreasonable cost impacts on the ratepayer over
31 the six-year planning period, utilization of environmentally sound
32 waste reduction and recycling technologies, and other factors as
33 appropriate. In rural areas, these programs shall include but not be
34 limited to drop-off boxes, buy-back centers, or a combination of
35 both, at each solid waste transfer, processing, or disposal site, or
36 at locations convenient to the residents of the county. The drop-off
37 boxes and buy-back centers may be owned or operated by public,
38 nonprofit, or private persons;

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

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

8 (iv) Programs to educate and promote the concepts of waste
9 reduction and recycling;

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

17 (d) Other information the county or city submitting the plan
18 determines is necessary.

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

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

27 (10) A contamination reduction and outreach plan. The
28 contamination reduction and outreach plan must address reducing
29 contamination in recycling. Except for counties with a population of
30 twenty-five thousand or fewer, by July 1, 2021, a contamination
31 reduction and outreach plan must be included in each solid waste
32 management plan by a plan amendment or included when revising or
33 updating a solid waste management plan developed under this chapter.
34 Jurisdictions may adopt the state's contamination reduction and
35 outreach plan as developed under RCW 70.95.100 in lieu of creating
36 their own plan. A recycling contamination reduction and outreach plan
37 must include the following:

38 (a) A list of actions for reducing contamination in recycling
39 programs for single-family and multifamily residences, commercial

1 locations, and drop boxes depending on the jurisdictions system
2 components;

3 (b) A list of key contaminants identified by the jurisdiction or
4 identified by the department;

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

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

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

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

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

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

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

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

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

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

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

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

21 Any county may apply to the department on a form prescribed
22 thereby for financial aid for the preparation and implementation of
23 the comprehensive county plan for solid waste management required by
24 RCW 70.95.080, including contamination reduction and outreach plans.
25 Any city electing to prepare an independent city plan, a joint city
26 plan, or a joint county-city plan for solid waste management for
27 inclusion in the county comprehensive plan may apply for financial
28 aid for such purpose through the county. Every city application for
29 financial aid for planning shall be filed with the county auditor and
30 shall be included as a part of the county's application for financial
31 aid. Any city preparing an independent plan shall provide for
32 disposal sites wholly within its jurisdiction.

33 The department shall allocate to the counties and cities applying
34 for financial aid for planning and implementation, including
35 contamination reduction and outreach plan development and
36 implementation, such funds as may be available pursuant to
37 legislative appropriations or from any federal grants for such
38 purpose.

1 The department shall determine priorities and allocate available
2 funds among the counties and cities applying for aid according to
3 criteria established by regulations of the department considering
4 population, urban development, environmental effects of waste
5 disposal, existing waste handling practices, and the local
6 justification of their proposed expenditures.

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

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

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