

SENATE BILL REPORT

SB 5174

As Reported by Senate Committee On:
Environment, Energy & Technology, February 3, 2021
Ways & Means, February 18, 2021

Title: An act relating to providing for the recycling of wind turbine blades.

Brief Description: Providing for the recycling of wind turbine blades.

Sponsors: Senators Wilson, J., Das, Hunt, Rolfes, Wagoner and Wilson, C..

Brief History:

Committee Activity: Environment, Energy & Technology: 1/27/21, 2/03/21 [DPS-WM, DNP].

Ways & Means: 2/16/21, 2/18/21 [DPS (ENET), w/oRec].

Brief Summary of First Substitute Bill

- Requires the Department of Ecology to develop guidance for a wind turbine blade stewardship and takeback program.
- Prohibits the sale or installation of a wind turbine blade in or into Washington beginning July 1, 2023, unless the manufacturer is included in an approved stewardship plan.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: That Substitute Senate Bill No. 5174 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Carlyle, Chair; Lovelett, Vice Chair; Brown, Das, Fortunato, Hobbs, Nguyen, Sheldon, Short, Stanford and Wellman.

Minority Report: Do not pass.

Signed by Senator Ericksen, Ranking Member.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Angela Kleis (786-7469)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5174 as recommended by Committee on Environment, Energy & Technology be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Braun, Carlyle, Conway, Darneille, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Mullet, Pedersen, Rivers, Van De Wege, Warnick and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senators Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Honeyford, Assistant Ranking Member, Capital; Liias, Muzzall and Wagoner.

Staff: Jed Herman (786-7346)

Background: The Department of Ecology (Ecology) oversees stewardship programs for electronics, paint, mercury-containing lights, and solar panels.

According to a U.S. Energy Information Administration report, more than 1700 wind turbines with about 3100 megawatts of capacity make wind power the second-largest contributor to Washington's renewable generation. The state's largest wind farm is located along the Snake River in southeastern Washington and came online in 2012.

Summary of Bill (First Substitute): Stewardship and Takeback Program. Ecology must develop guidance for a wind turbine blade stewardship and takeback program. By January 1, 2022, Ecology must establish a process to develop guidance for stewardship plans (plans) by working with stakeholders. The guidance must be completed by January 1, 2023.

A manufacturer must designate a stewardship organization to act on its behalf in operating and implementing the plan. By January 1, 2023, each stewardship organization must register with Ecology.

By July 1, 2023, each stewardship organization must submit a plan including specified elements such as describing how the manufacturer will finance the recycling system and establish performance goals, and receive plan approval from Ecology. Plans must be implemented within six months of Ecology's approval.

Ecology shall determine administrative costs that must be recovered by charging every stewardship organization an annual fee based on a prescribed formula.

Prohibition. Beginning July 1, 2023, no manufacturer, distributor, retailer, or installer may sell, offer for sale, or install a wind turbine blade in or into Washington unless the

manufacturer of the wind turbine blade is included in an Ecology approved plan .

Written Warning. Ecology must send a written warning to a manufacturer not participating in a plan requiring the manufacturer to participate in a plan within 30 days of the notice. Ecology may assess a penalty of up to \$10,000 upon a manufacturer for each sale conducted without an approved plan.

Ecology must send a written warning to a distributor, retailer, or installer that sells or installs a wind turbine blade made by a manufacturer that does not have an approved plan. A distributor, retailer, or installer may not sell or install such blades if the manufacturer does not have an approved plan within 30 days of the notice.

Report. Beginning July 1, 2024, and annually thereafter, a manufacturer must provide Ecology with a report that documents the implementation of the plan and assesses the achievement of performance goals. The report may include recommendations for modifying the program and must be posted on a publicly accessible website.

Alternative Form of Compliance. In lieu of preparing a plan, a manufacturer may participate in a national program for the takeback and recycling of wind turbine blades, if substantially equivalent to the intent of Washington's program.

EFFECT OF CHANGES MADE BY ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE (First Substitute):

- Amends the definitions of reuse and wind turbine blade.
- Requires a manufacturer to designate a stewardship organization to act on its behalf in implementing the stewardship program.
- Prohibits a manufacturer that has not designated a stewardship organization from selling or supplying wind turbine blades in or into Washington.
- Requires each stewardship organization to register with Ecology, provide specified information, and pay the annual fee and costs determined by Ecology.
- Removes the requirement for a manufacturer to submit a stewardship plan within 30 days of its first sale in or into Washington.
- Specifies that each stewardship organization must implement its plan within six months of receiving Ecology approval.
- Specifies Ecology shall recover program administrative costs by charging every stewardship organization an annual fee based on a specified formula.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Environment, Energy & Technology): *The committee recommended a different version of the bill than what was heard.* PRO: Blades are a huge, unique product that are piling up in U.S. landfills. Europe has already banned blades from landfills. We suggest broadening the definition of blade to address technology advances and the definition of reuse to include other purposes. There will be a demand in the future.

OTHER: Washington would be the first state to implement this type of program. Blade composition makes them difficult to recycle. Manufacturers should be required to join a stewardship organization and to register with Ecology. The bill does not address the handling of orphan blades.

Persons Testifying (Environment, Energy & Technology): PRO: Heather Trim, Zero Waste Washington; Paul Jewell, Washington State Association of Counties.

OTHER: Laurie Davies, Department of Ecology.

Persons Signed In To Testify But Not Testifying (Environment, Energy & Technology): PRO: Tom Shofner.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: We support the bill, the time is close to be needed. There are over 16,000 wind turbine blades in the state. Manufacturers should maintain stewardship.

CON: Companies that would be impacted by this bill should be consulted before this type of policy is made. Currently the recycling infrastructure is not there yet. Suggest a delay to better understand the viability of such a program.

Persons Testifying (Ways & Means): PRO: Heather Trim, Zero Waste Washington.

CON: Jeff Gombosky, Renewable Northwest.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.