

E2SHB 1543 - S COMM AMD

By Committee on Environment, Energy & Technology

OUT OF ORDER 04/15/2019

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

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

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

18 (f) Washington recognizes the value of manufacturing incentives
19 to encourage recycling industries to locate and operate in Washington
20 and provide manufacturer incentives to improve the recyclability of
21 their products;

22 (g) Many local governments and private entities cumulatively
23 affect, and are affected by, the market for recycled commodities but
24 have limited jurisdiction and cannot adequately address the problems
25 of market development that are complex, wide-ranging, and regional in
26 nature;

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

29 (i) The private sector has the greatest capacity for creating and
30 expanding markets for recycled commodities and the development of
31 private markets for recycled commodities is in the public interest;
32 and

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

5 (2) Therefore, it is the policy of the state to create the
6 recycling development center to research, incentivize, and develop
7 new markets and expand existing markets for recycled commodities and
8 recycling facilities.

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

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

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

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

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

16 (5) "Recyclable materials" means those solid wastes that are
17 separated for recycling or reuse, such as papers, metals, and glass,
18 that are identified as recyclable material pursuant to a local
19 comprehensive solid waste plan.

20 (6) "Recycling" means transforming or remanufacturing waste
21 materials into usable or marketable materials for use other than
22 landfill disposal or incineration.

23 (7) "Secondary materials" means any materials that are not the
24 primary products from manufacturing and other industrial sectors.
25 These materials may include scrap and residuals from production
26 processes and products that have been recovered at the end of their
27 useful life.

28 (8) "Solid waste" or "wastes" means all putrescible and
29 nonputrescible solid and semisolid wastes including, but not limited
30 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
31 demolition and construction wastes, abandoned vehicles or parts
32 thereof, and recyclable materials.

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

35 (2) The purpose of the center is to provide or facilitate basic
36 and applied research and development, marketing, and policy analysis
37 in furthering the development of markets and processing for recycled
38 commodities and products. As used in this chapter, market development

1 consists of public and private activities that are used to overcome
2 impediments preventing full and productive use of secondary materials
3 diverted from the waste stream, and that encourage and expand use of
4 those materials and subsequent products. In fulfilling this mission,
5 the center must initially direct its services to businesses that
6 transform or remanufacture waste materials into usable or marketable
7 materials or products for use rather than disposal.

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

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

14 (b) Evaluate, analyze, and make recommendations on state policies
15 that may affect markets for recyclable materials. Such
16 recommendations must include explicit consideration of the costs and
17 benefits of the market-affecting policies, including estimates of the
18 anticipated: Rate impacts on solid waste utility ratepayers; impacts
19 on the prices of consumer goods affected by the recommended policies;
20 and impacts on rates of recycling or utilization of postconsumer
21 materials;

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

25 (d) Initiate, conduct, or contract for studies relating to market
26 development for recyclable materials, including but not limited to
27 applied research, technology transfer, life-cycle analysis, and pilot
28 demonstration projects;

29 (e) Obtain and disseminate information relating to market
30 development for recyclable materials from other state and local
31 agencies and other sources;

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

34 (g) Provide grants or contracts to local governments, state
35 agencies, or other public institutions to further the development or
36 revitalization of recycling markets in accordance with applicable
37 rules and regulations;

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

1 (i) Represent the state in regional and national market
2 development issues and work to create a regional recycling
3 development council that will work across either state or provincial
4 borders, or both;

5 (j) Wherever necessary, the center must work with: Material
6 recovery facility operators; public and private sector recycling and
7 solid waste industries; packaging manufacturers and retailers; local
8 governments; environmental organizations; interested colleges and
9 universities; and state agencies, including the department of
10 commerce and the utilities and transportation commission; and

11 (k) Report to the legislature and the governor each even-numbered
12 year on the progress of achieving the center's purpose and performing
13 the center's activities, including any effects on state recycling
14 rates or rates of utilization of postconsumer materials in
15 manufactured products that can reasonably be attributed, at least in
16 part, to the activities of the center.

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

21 (a) Provide targeted business assistance to recycling businesses,
22 including:

23 (i) Development of business plans;

24 (ii) Market research and planning information;

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

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

27 (b) Conduct outreach to negotiate voluntary agreements with
28 manufacturers to increase the use of recycled materials in products
29 and product development;

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

32 (d) Actively promote manufacturing with recycled commodities, as
33 well as purchasing of recycled products by state agencies consistent
34 with and in addition to the requirements of chapter 43.19A RCW and
35 RCW 39.26.255, local governments, and the private sector;

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

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

4 (5) The department may adopt any rules necessary to implement and
5 enforce this chapter including, but not limited to, measures for the
6 center's performance.

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

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

10 (a) Provide advice and guidance on the annual work plan of the
11 center; and

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

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

18 (a) One member to represent cities;

19 (b) One member to represent counties east of the crest of the
20 Cascade mountains;

21 (c) One member to represent counties west of the crest of the
22 Cascade mountains;

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

24 (e) Three members from universities or state and federal research
25 institutions;

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

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

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

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

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

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

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

3 (8) The department shall provide staff support to the advisory
4 board.

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

7 (1) There is hereby created an account within the state treasury
8 to be known as the waste reduction, recycling, and litter control
9 account. Moneys in the account may be spent only after appropriation.
10 Expenditures from the waste reduction, recycling, and litter control
11 account shall be used as follows:

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

31 (b) (i) Twenty percent to the department for local government
32 funding programs for waste reduction, litter control, recycling
33 activities, and composting activities by cities and counties under
34 RCW 70.93.250, to be administered by the department of ecology; (ii)
35 any unspent funds under (b) (i) of this subsection may be used to
36 create and pay for a matching fund competitive grant program to be
37 used by local governments for the development and implementation of
38 contamination reduction and outreach plans for inclusion in
39 comprehensive solid waste management plans or by local governments

1 and nonprofit organizations for local or statewide education programs
2 designed to help the public with litter control, waste reduction,
3 recycling, and composting of primarily the products taxed under
4 chapter 82.19 RCW. Grants must adhere to the following requirements:
5 (A) No grant may exceed sixty thousand dollars; (B) grant recipients
6 shall match the grant funding allocated by the department by an
7 amount equal to twenty-five percent of eligible expenses. A local
8 government's share of these costs may be met by cash or contributed
9 services; (C) the obligation of the department to make grant payments
10 is contingent upon the availability of the amount of money
11 appropriated for this subsection (1)(b); and (D) grants are managed
12 under the guidelines for existing grant programs; and

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

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

29 (3) Not less than five percent and no more than ten percent of
30 the amount appropriated into the waste reduction, recycling, and
31 litter control account every biennium shall be reserved for capital
32 needs, including the purchase of vehicles for transporting crews and
33 for collecting litter and solid waste. Capital funds shall be
34 distributed among state agencies and local governments according to
35 the same criteria provided in RCW 70.93.220 for the remainder of the
36 funds, so that the most effective waste reduction, litter control,
37 recycling, and composting programs receive the most funding. The
38 intent of this subsection is to provide funds for the purchase of
39 equipment that will enable the department to account for the greatest
40 return on investment in terms of reaching a zero litter goal.

1 (4) Funds in the waste reduction, recycling, and litter control
2 account, collected under chapter 82.19 RCW, must be prioritized for
3 the products identified under RCW 82.19.020 solely for the purposes
4 of recycling, composting, and litter collection, reduction, and
5 control programs.

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

8 Each county and city comprehensive solid waste management plan
9 shall include the following:

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

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

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

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

22 (b) Take into account the comprehensive land use plan of each
23 jurisdiction;

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

26 (d) Contain a plan for financing both capital costs and
27 operational expenditures of the proposed solid waste management
28 system.

29 (4) A program for surveillance and control.

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

33 (a) Any franchise for solid waste collection granted by the
34 utilities and transportation commission in the respective
35 jurisdictions including the name of the holder of the franchise and
36 the address of his or her place of business and the area covered by
37 the franchise;

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

1 (c) The population density of each area serviced by a city
2 operation or by a franchised operation within the respective
3 jurisdictions;

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

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

11 (7) The waste reduction and recycling element shall include the
12 following:

13 (a) Waste reduction strategies;

14 (b) Source separation strategies, including:

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

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

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

39 (iv) Programs to educate and promote the concepts of waste
40 reduction and recycling;

1 (c) Recycling strategies, including a description of markets for
2 recyclables, a review of waste generation trends, a description of
3 waste composition, a discussion and description of existing programs
4 and any additional programs needed to assist public and private
5 sector recycling, and an implementation schedule for the designation
6 of specific materials to be collected for recycling, and for the
7 provision of recycling collection services;

8 (d) Other information the county or city submitting the plan
9 determines is necessary.

10 (8) An assessment of the plan's impact on the costs of solid
11 waste collection. The assessment shall be prepared in conformance
12 with guidelines established by the utilities and transportation
13 commission. The commission shall cooperate with the Washington state
14 association of counties and the association of Washington cities in
15 establishing such guidelines.

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

18 (10) A contamination reduction and outreach plan. The
19 contamination reduction and outreach plan must address reducing
20 contamination in recycling. Except for counties with a population of
21 twenty-five thousand or fewer, by July 1, 2021, a contamination
22 reduction and outreach plan must be included in each solid waste
23 management plan by a plan amendment or included when revising or
24 updating a solid waste management plan developed under this chapter.
25 Jurisdictions may adopt the state's contamination reduction and
26 outreach plan as developed under RCW 70.95.100 in lieu of creating
27 their own plan. A recycling contamination reduction and outreach plan
28 must include the following:

29 (a) A list of actions for reducing contamination in recycling
30 programs for single-family and multiple-family residences, commercial
31 locations, and drop boxes depending on the jurisdictions system
32 components;

33 (b) A list of key contaminants identified by the jurisdiction or
34 identified by the department;

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

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

39 (e) An implementation schedule and details of how outreach is to
40 be conducted. Contamination reduction education methods may include

1 sharing community-wide messaging through newsletters, articles,
2 mailers, social media, web sites, or community events, informing
3 recycling drop box customers about contamination, and improving
4 signage.

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

7 (1) The department or the commission, as appropriate, shall
8 provide to counties and cities technical assistance including, but
9 not limited to, planning guidelines, in the preparation, review, and
10 revision of solid waste management plans required by this chapter.
11 Guidelines prepared under this section shall be consistent with the
12 provisions of this chapter. Guidelines for the preparation of the
13 waste reduction and recycling element of the comprehensive solid
14 waste management plan shall be completed by the department by March
15 15, 1990. These guidelines shall provide recommendations to local
16 government on materials to be considered for designation as
17 recyclable materials. The state solid waste management plan prepared
18 pursuant to RCW 70.95.260 shall be consistent with these guidelines.

19 (2) The department shall be responsible for development and
20 implementation of a comprehensive statewide public information
21 program designed to encourage waste reduction, source separation, and
22 recycling by the public. The department shall operate a toll free
23 hotline to provide the public information on waste reduction and
24 recycling.

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

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

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

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

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

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

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

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

27 The department shall allocate to the counties and cities applying
28 for financial aid for planning and implementation, including
29 contamination reduction and outreach plan development and
30 implementation, such funds as may be available pursuant to
31 legislative appropriations or from any federal grants for such
32 purpose.

33 The department shall determine priorities and allocate available
34 funds among the counties and cities applying for aid according to
35 criteria established by regulations of the department considering
36 population, urban development, environmental effects of waste
37 disposal, existing waste handling practices, and the local
38 justification of their proposed expenditures.

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

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

7 NEW SECTION. **Sec. 11.** If specific funding for the purposes of
8 this act, referencing this act by bill or chapter number, is not
9 provided by June 30, 2019, in the omnibus appropriations act, this
10 act is null and void."

E2SHB 1543 - S COMM AMD

By Committee on Environment, Energy & Technology

OUT OF ORDER 04/15/2019

11 On page 1, line 1 of the title, after "recycling;" strike the
12 remainder of the title and insert "amending RCW 70.93.180, 70.95.090,
13 70.95.100, and 70.95.130; adding a new chapter to Title 70 RCW;
14 creating a new section; providing an effective date; and declaring an
15 emergency."

EFFECT: Provides that the litter tax funds provided to Ecology and other state agencies is to be used primarily for litter collection programs. Requires the Recycling Development Center to include life-cycle analysis as part of market development for recyclable materials.

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