
Environment & Energy Committee

HB 1795

Brief Description: Ensuring the long-term economic and environmental sustainability of the state's recycling system within the existing regulatory structure.

Sponsors: Representatives Mead, Fitzgibbon, Lovick, Stanford, Doglio, Tharinger, Goodman and Pollet.

Brief Summary of Bill

- Directs the Department of Ecology to conduct a statewide, coordinated public outreach and education campaign related to sustainable recycling practices.
- Establishes a list of recyclable materials eligible to be collected through curbside commingled recycling programs until 2024, and forbids the collection of ineligible recyclable materials through curbside commingled recycling programs.
- Requires city and county solid waste programs to provide notices related to the costs of commercial and residential recyclable material collection services.
- Requires commercial sites and buy-back and drop-off centers where recyclable materials are generated to provide a separate container for nonrecyclable wastes.
- Authorizes Department of Ecology solid waste financial assistance to be used for the costs to cities and counties associated with implementing changes to recycling systems.

Hearing Date: 2/7/19

Staff: Jacob Lipson (786-7196).

Background:

Under the state's solid waste management laws, local governments are the primary government entity responsible for implementing state solid waste management requirements. The Department of Ecology (ECY) is responsible for working cooperatively with local governments as they develop their local solid waste management plans, and for approving those plans. The

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

ECY also administers a number of programs that provide financial assistance to cities and counties for solid waste planning and waste reduction, litter, and recycling programs.

Local comprehensive solid waste management plans must be reviewed and revised at least every five years. Plans must contain certain elements, including a waste reduction and recycling element that includes waste reduction strategies, recycling strategies, and source separation strategies. Source separation strategies in urban areas must include the collection of source-separated materials from residential sources, while in rural areas such strategies must include drop-off boxes and buy-back centers.

Under local comprehensive solid waste plans, cities and counties consider and plan for:

- which materials may be accepted for curbside recycling in each jurisdiction;
- whether collected recyclable materials are collected in commingled containers or containers that separate materials based on type or source; and
- the handling and proper preparation of materials for recycling.

Local solid waste plans are also required to consider methods that will be used to address specific types of solid waste and recyclable materials, including paper products, metal, glass, and plastics for recycling. In general, materials collected for recycling are transported to material recovery facilities, which receive, compact, repackage or sort materials for the purposes of recycling.

Legislative findings codified in the state's solid waste management laws establish a state goal of achieving a 50 percent recycling rate by 2007.

The Utilities and Transportation Commission (UTC) regulates haulers transporting solid waste, garbage, and recyclables from residential sites. The UTC also regulates the collection and transport of recyclable materials from drop boxes, recycling buy-back centers, and commercial and industrial recyclable material generators. The certificate to transport garbage and recyclables sets the geographic areas in which the company is authorized to collect waste. Cities and towns have the authority to provide their own solid waste services or to contract for solid waste services. Solid waste services provided or contracted by cities and towns are not subject to UTC regulation.

At the direction of the Legislature, the staff of Joint Legislative Audit and Review Committee (JLARC) conducts sunset reviews of the need for the continued existence of a program or policy. A JLARC sunset review examines whether the evaluated program has complied with legislative intent, is operating efficiently and economically, is meeting performance goals, and is duplicative of other entities or private sector activities. The program or authority subject to a JLARC sunset review is repealed from law in the year following the sunset review unless the Legislature takes action to continue the program.

Summary of Bill:

Stakeholder Work Group.

The Department of Ecology (ECY) must convene a stakeholder work group (work group) of up to 10 individuals or associations representing specified groups, including state agencies, local governments, and companies involved in solid waste collection and processing. The work group

is tasked with and must provide annual updates to the Legislature regarding a statewide education and outreach campaign for sustainable recycling, and drafting rules to establish processes by which local governments may designate materials as acceptable for recycling.

Education and Outreach Campaign.

By January 1, 2020, the ECY must conduct a statewide, coordinated public outreach and education campaign for sustainable recycling practices. The campaign must be designed to:

- reduce contamination of recyclable materials;
- prioritize a system that maximizes the economic and environmental benefits of collected materials;
- promote a new statewide list of recyclable materials for commingled recycling programs;
- emphasize to consumers that recycling is not a cost-free activity, improve consumer education about their role in solid waste management, direct consumers to place items in waste bins if unsure whether an item is recyclable, and emphasize recycling only clean, empty, and dry recyclables.

The campaign must be statewide in scope but accommodate local variation in collection activities.

Eligible Recyclable Materials.

By January 1, 2020, cities and counties must update local solid waste management plans to include certain materials for collection under commingled curbside recycling programs, and to exclude certain materials from being eligible for collection under curbside recycling programs that collect mixtures of types of recyclable materials in one load or container (commingled recyclable programs). Materials that may be collected include plastic bottles and jugs and specified types of paper and metal. Other waste materials and other specified types of paper, metal, and plastics are excluded from being eligible to be collected under curbside commingled recycling programs. Cities and counties with comprehensive solid waste management plans must submit evidence to the ECY by December 1, 2019 that their plans conform with these requirements, and the ECY must submit a report to the Legislature by February 1, 2020 regarding the status of local government compliance with the new recyclable material curbside commingled collection requirements.

The restrictions on the types of materials that may be collected under curbside commingled recycling programs last until January 1, 2024. After January 1, 2024, cities and counties may designate materials on the list of ineligible materials as acceptable for collection in a commingled recycling program. This designation must be consistent with a process that the ECY is required to adopt by rule by June 1, 2021. The ECY-adopted process must require a determination by a local government that including an individual material in their recyclable commingled collection program provides either an economic benefit based on a cost-benefit analysis or an environmental benefit based on a lifecycle analysis. The ECY must review each city or county proposal for consistency with a goal of increasing the consistency of statewide curbside commingled recyclable material programs.

The ECY may adopt rules related to implementation and enforcement, and may issue interim guidance consistent with stakeholder work group recommendations. By January 1, 2021, the ECY must also gather life-cycle analysis and economic data on recyclable materials, and make it available to local governments for use in their designation analyses.

Cities, towns, and counties may not provide for the collection of ineligible curbside commingled recycling materials. Provisions in solid waste or recycling service contracts that require collection of ineligible curbside commingled recycling materials are declared void and unenforceable.

Disposal of Recyclable Materials.

The ECY must develop a process to keep track of and provide for management and disposal of collected recyclable materials by material recovery facilities, the Utilities and Transportation Commission-regulated solid waste collection companies, and municipal solid waste collection contractors. These entities may notify the ECY within 24 hours of transport for disposal, and the ECY must grant a waiver when an entity demonstrates:

- the material cannot be collected and transported for recycling at less than the cost of collection and transport for disposal;
- lacks positive market value; or
- poses a risk to human health, safety, or the environment.

The ECY must issue waivers within seven days and develop a process allowing for waiver renewal.

Recyclable materials covered by a waiver may be disposed of in nonobservance of local laws and ordinances, and are not subject to local fines or penalties. Provisions in contracts that would penalize an entity for disposal of recyclable materials are void and unenforceable.

The ECY must track and make public information about recyclable material disposal.

Other Provisions.

Cities and counties that contract for the collection of source separated recyclable materials must ensure that billings and customer rate increase notifications include the cost of each provided service or a description of all services that are provided within a combined services rate.

Entities that provide the collection or transportation of recyclable materials from drop boxes, recycling buy-back centers, or from commercial or industrial generators must include the cost of each service provided in all billings and customer notifications.

Commercial sites where recyclable materials are generated and transported for recycling must provide a separate, reasonably-sized container for nonrecyclable wastes. The contents of containers that contain both mixed waste and recyclable materials with incidental waste exceeding 5 percent of the total weight or volume of the container are determined to be solid waste, and must be managed as solid waste.

The state goal of a 50 percent recycling rate by 2007 is replaced with a goal of emphasizing sustainable recycling practices and increasing the quality of Washington's recyclables.

Under solid waste financial assistance programs and grants, the ECY must make eligible for funding any costs to cities and counties from implementing the Act's changes to solid waste and recycling requirements.

The changes to solid waste laws in the act are subject to a Joint Legislative Audit and Review Committee sunset review and termination, effective July 1, 2024.

A severability clause is included.

Appropriation: None.

Fiscal Note: Requested on February 1, 2019.

Effective Date: The bill contains an emergency clause and takes effect immediately.