

FINAL BILL REPORT

2SSB 5591

PARTIAL VETO

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SYNOPSIS AS ENACTED

Brief Description: Adopting comprehensive recycling programs.

SPONSORS: Senate Committee on Ways & Means (originally sponsored by Senators Metcalf, Amondson, A. Smith and Roach).

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

SENATE COMMITTEE ON WAYS & MEANS

HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS

HOUSE COMMITTEE ON REVENUE

BACKGROUND:

The 1989 Legislature enacted comprehensive recycling legislation to increase recycling collection programs throughout Washington (Chapter 431, Laws of 1989), and established a goal of recycling 50 percent of Washington's waste by 1995. Recognizing that such increased collection of recyclables might further adversely affect the market for recycled content products, the Legislature designated the Department of Trade and Economic Development (DTED) as the lead state agency for recycling markets development. It charged DTED with several tasks, including developing new markets within the state for recycled materials, attracting recycling businesses to the state, promoting use of recycled content products, and providing technical assistance to businesses.

The legislation also directed DTED to form the Washington Committee for Recycling Markets to make recommendations for new market development, with a priority to be placed upon yard waste, plastics, mixed waste paper and waste tires. The committee's final report noted that Washington recovery of recycled materials is projected to be 4.6 million tons annually by the year 2010, an increase of 3 million tons over the 1988 recovery rate. The committee found that in addition to the surge in supply, much of the material recovered will consist of lower value, heavily contaminated grades of recyclables, further affecting efforts to find stable markets.

The committee further found that markets for recycled materials and resulting products depends upon an increased demand from processors, manufacturers and consumers. Factors affecting industry decisions to use such materials as

feedstock include collection, processing and material costs, equipment, supply availability, and performance of the resulting products.

The committee's major recommendations included the creation of a center within DTED to "provide a catalyst, uniting government, industry and public participants in a visible and substantially coordinated effort for the singular purpose of developing markets for recycled materials." The center would provide market research and development; business assistance; information and education; and manage public policy issues related to market development. The center should place primary emphasis upon materials with substantial problems in recycling and markets.

Other recommendations of the committee included: (1) negotiating voluntary agreements with industry to increase recycled content and recyclability of products; (2) undertaking a "buy recycled" outreach effort; (3) implementing an aggressive government procurement policy for recycled products; and (4) supporting recycled product purchases with an effective price preference.

The 1989 Legislature also directed the Department of Ecology to establish a packaging task force to recommend methods to reduce the toxicity of packaging entering the waste stream, reduce the reliance on single use, disposable packaging, and increase packaging recycling. While the task force did not reach consensus on all issues, general support was expressed for measures including reduction of heavy metal content in packaging, conducting a public education program, and coding of rigid plastic containers to facilitate source separation and recycling.

SUMMARY:

The Clean Washington Center is created within the Department of Trade and Economic Development. The center is to perform specified duties including providing targeted business assistance to recycling processors and manufacturers, conducting market research, assisting with access to financing, negotiating voluntary agreements with manufacturers to increase recycled content in products, conducting a comprehensive education program to promote recycled products, and promoting projects to demonstrate new market uses for recycled products.

The center is to place a high priority upon commodities comprising a large part of the waste stream, and specific commodities are listed. The center is to solicit private contributions to support its activities. The center's activities are to be conducted with the assistance of a policy board composed of legislative members, and representatives of local government, recycling businesses, and end users. The center sunsets on June 30, 1997.

The school recycling awards program is expanded. The membership of the state Solid Waste Advisory Committee is

modified. The state litter program purposes are clarified to include fostering recyclable materials markets.

Effective in 1993, no product or package may be sold in the state containing heavy metals which are intentionally introduced in the packaging. Progressively more stringent numeric concentration limits are established in 1993, 1994 and 1995 for specified heavy metals. Exemptions are provided for previously manufactured products, for clearing inventory, and other circumstances. The manufacturer is to certify compliance with such requirements, and the sale of a product may be suspended in the absence of such certification. The state solid waste advisory committee is to report to the Legislature in 1993 on the need to further reduce toxic substances in packaging.

Rigid plastic containers sold within the state after 1991 are to include a label identifying the resin type used to produce the container. The symbol is described and the code numbers specified for the resin types. Civil penalties up to \$500 may be imposed for selling such containers after notice that the container does not comply with the coding requirement.

By July 1, 1993, cities and counties are required to amend household hazardous waste plans to include specific provisions for collecting used oil from the public. The plans are to incorporate voluntary agreements with the private sector and state agencies to provide for collection sites. Annual statements are to be provided by local governments to the Department of Ecology on the sites used and quantities of oil collected.

By July 1, 1992, the Department of Ecology must prepare used oil guidelines for cities and counties. The guidelines must establish a statewide recycling goal and local recycling goals. The department must also recommend the number of sites needed to achieve such goals. Guidelines for collection site equipment and operating standards are also to be developed. The department is directed to prepare guidelines in conjunction with cities and counties amending their plans.

Persons selling 1,000 or more gallons of lubricating oil per year or selling more than 500 oil filters per year are required to post signs stating where used oil can be recycled. Such persons are also required to sell containers for collecting used oil. Local governments are to adopt ordinances to enforce these requirements.

The Department of Ecology must conduct a statewide education program on used oil recycling and assist cities and counties in local education programs. Existing laws on public information on used oil recycling are repealed.

Effective in 1992, used oil cannot be used for dust suppression or weed control. Kits incorporating an absorbent to collect used oil for recycling are also prohibited. Effective in 1994, oil must be disposed of by delivery to

licensed used oil collectors, and landfill operators may not permit used oil disposal.

By January 1, 1993, persons transporting used oil for profit must conform to rules adopted by the Department of Ecology.

Regulatory standards for burning of used oil are adopted. Exemptions from such standards are made for used oil burned in certain commercial space heaters, ocean-going vessels, and as provided by Department of Ecology or local air authorities. The Department of Ecology is directed to develop standards for blending used oil into fuels.

Used oil to be rerefined for energy or heat recovery is not to be included in the calculation of hazardous wastes generated for purposes of the planning requirements for certain hazardous waste generators.

As a part of developing local government comprehensive recycling plans, local solid waste advisory committees are to conduct meetings to determine how local recycling businesses and solid waste collection businesses may participate in recycling collection and marketing programs.

Certain solid waste collection companies are required to use local recycling businesses for the processing and marketing of recyclable materials collected from residences, under specified conditions. Cities and towns providing reduced solid waste collection rates to residents participating in residential curbside collection programs may offer a similar reduced rate for participation in other recycling programs. Customers participating in other recycling programs are also eligible for the same rate incentives approved by the utilities and transportation commission.

The consent of the waste generator or collection company must be obtained for diversion of recyclables from a recycling container. The prohibition against stopping a vehicle upon a roadway and similar restrictions do not apply to drivers engaged in collecting solid waste or recyclables.

A 14-member task force on recycling funding is created to study long-term funding mechanisms and develop specific funding mechanisms for the Clean Washington Center. It is to report its findings to the Legislature by December 1, 1991.

Portions of the bill are contingent on funding in the budget.

VOTES ON FINAL PASSAGE:

Senate	49	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: May 21, 1991

Partial Veto Summary: Section 208 is vetoed, which would authorize the Clean Washington Center to appoint advisory committees to

assist in developing and implementing the center's work plan. (See VETO MESSAGE)