
SUBSTITUTE SENATE BILL 5478

State of Washington 52nd Legislature 1991 Regular Session

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Conner and Wojahn).

Read first time March 1, 1991.

1 AN ACT Relating to curbside recycling; amending RCW 70.95.030,
2 70.95.090, and 70.95.110; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that curbside
5 recycling services should be provided in multiple family residences.
6 Each resident unit should have individual access to recycling
7 containers. The county and city comprehensive solid waste management
8 plans should include provisions for such service.

9 **Sec. 2.** RCW 70.95.030 and 1989 c 431 s 2 are each amended to read
10 as follows:

11 As used in this chapter, unless the context indicates otherwise:

- 12 (1) "City" means every incorporated city and town.
13 (2) "Commission" means the utilities and transportation commission.
14 (3) "Committee" means the state solid waste advisory committee.

1 (4) "Department" means the department of ecology.

2 (5) "Director" means the director of the department of ecology.

3 (6) "Disposal site" means the location where any final treatment,
4 utilization, processing, or deposit of solid waste occurs.

5 (7) "Energy recovery" means a process operating under federal and
6 state environmental laws and regulations for converting solid waste
7 into usable energy and for reducing the volume of solid waste.

8 (8) "Functional standards" means criteria for solid waste handling
9 expressed in terms of expected performance or solid waste handling
10 functions.

11 (9) "Incineration" means a process of reducing the volume of solid
12 waste operating under federal and state environmental laws and
13 regulations by use of an enclosed device using controlled flame
14 combustion.

15 (10) "Jurisdictional health department" means city, county, city-
16 county, or district public health department.

17 (11) "Landfill" means a disposal facility or part of a facility at
18 which solid waste is placed in or on land and which is not a land
19 treatment facility.

20 (12) "Local government" means a city, town, or county.

21 (13) "Multiple family residence" means any structure housing two or
22 more dwelling units.

23 (14) "Person" means individual, firm, association, copartnership,
24 political subdivision, government agency, municipality, industry,
25 public or private corporation, or any other entity whatsoever.

26 (~~(14)~~) (15) "Recyclable materials" means those solid wastes that
27 are separated for recycling or reuse, such as papers, metals, and
28 glass, that are identified as recyclable material pursuant to a local
29 comprehensive solid waste plan. Prior to the adoption of the local
30 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),

1 local governments may identify recyclable materials by ordinance from
2 July 23, 1989.

3 ~~((15))~~ (16) "Recycling" means transforming or remanufacturing
4 waste materials into usable or marketable materials for use other than
5 landfill disposal or incineration.

6 ~~((16))~~ (17) "Residence" means the regular dwelling place of an
7 individual or individuals.

8 (18) "Solid waste" or "wastes" means all putrescible and
9 nonputrescible solid and semisolid wastes including, but not limited
10 to, garbage, rubbish, ashes, industrial wastes, swill, demolition and
11 construction wastes, abandoned vehicles or parts thereof, and
12 recyclable materials.

13 ~~((17))~~ (19) "Solid waste handling" means the management, storage,
14 collection, transportation, treatment, utilization, processing, and
15 final disposal of solid wastes, including the recovery and recycling of
16 materials from solid wastes, the recovery of energy resources from
17 solid wastes or the conversion of the energy in solid wastes to more
18 useful forms or combinations thereof.

19 ~~((18))~~ (20) "Source separation" means the separation of different
20 kinds of solid waste at the place where the waste originates.

21 ~~((19))~~ (21) "Vehicle" includes every device physically capable of
22 being moved upon a public or private highway, road, street, or
23 watercourse and in, upon, or by which any person or property is or may
24 be transported or drawn upon a public or private highway, road, street,
25 or watercourse, except devices moved by human or animal power or used
26 exclusively upon stationary rails or tracks.

27 ~~((20))~~ (22) "Waste reduction" means reducing the amount or
28 toxicity of waste generated or reusing materials.

1 **Sec. 3.** RCW 70.95.090 and 1989 c 431 s 3 are each amended to read
2 as follows:

3 Each county and city comprehensive solid waste management plan
4 shall include the following:

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

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

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

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

17 (b) Take into account the comprehensive land use plan of each
18 jurisdiction;

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

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

23 (4) A program for surveillance and control.

24 (5) A current inventory and description of solid waste collection
25 needs and operations within each respective jurisdiction which shall
26 include:

27 (a) Any franchise for solid waste collection granted by the
28 utilities and transportation commission in the respective jurisdictions
29 including the name of the holder of the franchise and the address of
30 his or her place of business and the area covered by the franchise;

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

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

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

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

13 (7) The waste reduction and recycling element shall include the
14 following:

15 (a) Waste reduction strategies;

16 (b) Source separation strategies, including:

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

1 disposal site, or at locations convenient to the residents of the
2 county. The drop-off boxes and buy-back centers may be owned or
3 operated by public, nonprofit, or private persons;

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

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

11 (iv) Programs to educate and promote the concepts of waste
12 reduction and recycling;

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

20 (d) Other information the county or city submitting the plan
21 determines is necessary.

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

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

1 **Sec. 4.** RCW 70.95.110 and 1989 c 431 s 5 are each amended to read
2 as follows:

3 (1) The comprehensive county solid waste management plans and any
4 comprehensive city solid waste management plans prepared in accordance
5 with RCW 70.95.080 shall be maintained in a current condition and
6 reviewed and revised periodically by counties and cities as may be
7 required by the department. Upon each review such plans shall be
8 extended to show long-range needs for solid waste handling facilities
9 for twenty years in the future, and a revised construction and capital
10 acquisition program for six years in the future. Each revised solid
11 waste management plan shall be submitted to the department.

12 Each plan shall be reviewed and revised within five years of July
13 1, 1984, and thereafter shall be reviewed, and revised if necessary
14 according to the schedule provided in subsection (2) of this section.

15 (2) Cities and counties preparing solid waste management plans
16 shall submit the waste reduction and recycling element required in RCW
17 70.95.090 and any revisions to other elements of its comprehensive
18 solid waste management plan to the department no later than:

19 (a) July 1, 1991, for class one areas: PROVIDED, That portions
20 relating to multiple family residences shall be submitted no later than
21 July 1, 1992;

22 (b) July 1, 1992, for class two areas; and

23 (c) July 1, 1994, for class three areas.

24 Thereafter, each plan shall be reviewed and revised, if necessary,
25 at least every five years. Nothing in this act shall prohibit local
26 governments from submitting a plan prior to the dates listed in this
27 subsection.

28 (3) The classes of areas are defined as follows:

29 (a) Class one areas are the counties of Spokane, Snohomish, King,
30 Pierce, and Kitsap and all the cities therein.

1 (b) Class two areas are all other counties located west of the
2 crest of the Cascade mountains and all the cities therein.

3 (c) Class three areas are the counties east of the crest of the
4 Cascade mountains and all the cities therein, except for Spokane
5 county.

6 (4) Cities and counties shall begin implementing the programs to
7 collect source separated materials no later than one year following the
8 adoption and approval of the waste reduction and recycling element and
9 these programs shall be fully implemented within two years of approval.