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**SUBSTITUTE SENATE BILL 6715**

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**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** Senate Committee on Environmental Quality & Water Resources  
(originally sponsored by Senators Eide, Swecker, Fraser, Costa,  
Rasmussen, Morton, Patterson, Kline, Jacobsen and Kohl-Welles)

Read first time 02/04/2000.

1 AN ACT Relating to recycling and waste reduction; amending RCW  
2 43.19A.020, 70.95.010, 70.95.030, 70.95.090, 70.95.280, 70.95.290, and  
3 70.95.810; adding a new section to chapter 43.19A RCW; adding a new  
4 section to chapter 39.04 RCW; adding a new section to chapter 81.77  
5 RCW; creating a new section; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.19A RCW  
8 to read as follows:

9 (1) If a construction project receives state public funding, the  
10 general construction contractor shall develop and implement an on-site  
11 waste management plan. The plan shall include:

12 (a) An identification of the type of wastes to be generated during  
13 construction;

14 (b) An analysis of the availability and cost-effectiveness of  
15 recycling services for each type of waste identified in (a) of this  
16 subsection; and

17 (c) Strategies to maximize reuse and recycling of wastes and  
18 minimize landfill disposal.

1 (2) Within sixty days of completion of the contract, the contractor  
2 shall file a report with the department that includes the volumes of  
3 waste generated and how the waste was managed.

4 (3) The department shall work with construction industry  
5 organizations to develop:

6 (a) A standardized waste management plan format;

7 (b) A standardized waste management report format; and

8 (c) A training and technical assistance plan for public and private  
9 building owners and construction industry members in order to  
10 facilitate incorporation of waste management planning and recycling  
11 into standard construction industry practice.

12 **Sec. 2.** RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read  
13 as follows:

14 (1) The ~~((USEPA))~~ federal product standards, ~~((as now or hereafter~~  
15 ~~amended))~~ adopted under 42 U.S.C. Sec. 6962(e) as it exists on the  
16 effective date of this act, are adopted as the minimum standards for  
17 the state of Washington. These standards shall be implemented for at  
18 least the products listed in ~~((a) and (b) of))~~ this subsection ~~((by~~  
19 ~~the dates indicated,))~~ unless the director finds that a different  
20 standard would significantly increase recycled product availability or  
21 competition.

22 (a) ~~((By July 1, 1997:~~

23 ~~(i))~~ Paper and paper products;

24 ~~((ii))~~ (b) Organic recovered materials; ~~((and~~

25 ~~(iii))~~ (c) Latex paint products;

26 ~~((b) By July 1, 1997:~~

27 ~~(i))~~ (d) Products for lower value uses containing recycled  
28 plastics;

29 ~~((ii))~~ (e) Retread and remanufactured tires;

30 ~~((iii))~~ (f) Lubricating oils;

31 ~~((iv))~~ (g) Automotive batteries;

32 ~~((v))~~ (h) Building ~~((insulation))~~ products and materials;

33 ~~((vi))~~ (i) Panelboard; and

34 ~~((vii))~~ (j) Compost products.

35 (2) The standards required by this section shall be applied to  
36 recycled product purchasing by the department ~~((and))~~, other state  
37 agencies, and state postsecondary education institutions. The  
38 standards may be adopted or applied by any other local government in

1 product procurement. The standards shall provide for exceptions under  
2 appropriate circumstances to allow purchases of recycled products that  
3 do not meet the minimum content requirements of the standards.

4 NEW SECTION. **Sec. 3.** The legislature encourages city, county, and  
5 state governments, the private sector, and consumers to collaborate in  
6 sharing information and becoming informed about opportunities for  
7 increasing voluntary product stewardship to support the state's  
8 recycling goals. For purposes of this section, "product stewardship"  
9 means a principle that directs all actors in the life cycle of a  
10 product to minimize impacts of that product on the environment.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 39.04 RCW  
12 to read as follows:

13 If a construction project receives state public funding:

14 (1) The product standards, as provided in RCW 43.19A.020, shall  
15 apply on the materials used in the project; and

16 (2) The contractor shall develop and implement an on-site waste  
17 management plan, as provided in section 1 of this act.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 81.77 RCW  
19 to read as follows:

20 (1) The commission shall allow a solid waste collection company  
21 collecting recyclable materials from residential customers to retain up  
22 to thirty percent of the revenue paid to the company for the material  
23 if the company submits a plan to the commission that is certified by  
24 the appropriate local government authority as being consistent with the  
25 local government solid waste plan and that demonstrates how the  
26 revenues will be used to increase recycling. The remaining seventy  
27 percent of the revenue shall be passed to residential customers served  
28 by the company.

29 (2) By December 2, 2003, the commission shall provide a report to  
30 the legislature that evaluates:

31 (a) The effectiveness of revenue sharing as an incentive to  
32 increase recycling in the state; and

33 (b) The effect of revenue sharing on costs to customers.

34 **Sec. 6.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read  
35 as follows:

1 The legislature finds:

2 (1) Continuing technological changes in methods of manufacture,  
3 packaging, and marketing of consumer products, together with the  
4 economic and population growth of this state, the rising affluence of  
5 its citizens, and its expanding industrial activity have created new  
6 and ever-mounting problems involving disposal of garbage, refuse, and  
7 solid waste materials resulting from domestic, agricultural, and  
8 industrial activities.

9 (2) Traditional methods of disposing of solid wastes in this state  
10 are no longer adequate to meet the ever-increasing problem. Improper  
11 methods and practices of handling and disposal of solid wastes pollute  
12 our land, air and water resources, blight our countryside, adversely  
13 affect land values, and damage the overall quality of our environment.

14 (3) Considerations of natural resource limitations, energy  
15 shortages, economics and the environment make necessary the development  
16 and implementation of solid waste recovery and/or recycling plans and  
17 programs.

18 (4) Waste reduction must become a fundamental strategy of solid  
19 waste management. It is therefore necessary to change manufacturing  
20 and purchasing practices and waste generation behaviors to reduce the  
21 amount of waste that becomes a governmental responsibility.

22 (5) Source separation of waste must become a fundamental strategy  
23 of solid waste management. Collection and handling strategies should  
24 have, as an ultimate goal, the source separation of all materials with  
25 resource value or environmental hazard.

26 (6)(a) It is the responsibility of every person to minimize his or  
27 her production of wastes and to separate recyclable or hazardous  
28 materials from mixed waste.

29 (b) It is the responsibility of state, county, and city governments  
30 to provide for a waste management infrastructure to fully implement  
31 waste reduction and source separation strategies and to process and  
32 dispose of remaining wastes in a manner that is environmentally safe  
33 and economically sound. It is further the responsibility of state,  
34 county, and city governments to monitor the cost-effectiveness and  
35 environmental safety of combusting separated waste, processing mixed  
36 waste, and recycling programs.

37 (c) It is the responsibility of county and city governments to  
38 assume primary responsibility for solid waste management and to develop

1 and implement aggressive and effective waste reduction and source  
2 separation strategies.

3 (d) It is the responsibility of state government to ensure that  
4 local governments are providing adequate source reduction and  
5 separation opportunities and incentives to all, including persons in  
6 both rural and urban areas, and nonresidential waste generators such as  
7 commercial, industrial, and institutional entities, recognizing the  
8 need to provide flexibility to accommodate differing population  
9 densities, distances to and availability of recycling markets, and  
10 collection and disposal costs in each community; and to provide county  
11 and city governments with adequate technical resources to accomplish  
12 this responsibility.

13 (7) Environmental and economic considerations in solving the  
14 state's solid waste management problems requires strong consideration  
15 by local governments of regional solutions and intergovernmental  
16 cooperation.

17 (8) The following priorities for the collection, handling, and  
18 management of solid waste are necessary and should be followed in  
19 descending order as applicable:

20 (a) Waste reduction;

21 (b) Recycling, with source separation of recyclable materials as  
22 the preferred method;

23 (c) Energy recovery, incineration, or landfill of separated waste;

24 (d) Energy recovery, incineration, or landfilling of mixed wastes.

25 (9) It is the state's goal to achieve a fifty percent recycling  
26 rate by ~~((1995))~~ 2005.

27 (10) It is the state's goal that no residential or commercial yard  
28 debris be disposed of in landfills by 2010.

29 (11) Steps should be taken to make recycling at least as affordable  
30 and convenient to the ratepayer as mixed waste disposal.

31 ~~((11))~~ (12) It is necessary to compile and maintain adequate data  
32 on the types and quantities of solid waste that are being generated and  
33 to monitor how the various types of solid waste are being managed.

34 ~~((12))~~ (13) Vehicle batteries should be recycled and the disposal  
35 of vehicle batteries into landfills or incinerators should be  
36 discontinued.

37 ~~((13))~~ (14) Excessive and nonrecyclable packaging of products  
38 should be avoided.

1       (~~(14)~~) (15) Comprehensive education should be conducted  
2 throughout the state so that people are informed of the need to reduce,  
3 source separate, and recycle solid waste.

4       (~~(15)~~) (16) All governmental entities in the state should set an  
5 example by implementing aggressive waste reduction and recycling  
6 programs at their workplaces and by purchasing products that are made  
7 from recycled materials and are recyclable.

8       (~~(16)~~) (17) To ensure the safe and efficient operations of solid  
9 waste disposal facilities, it is necessary for operators and regulators  
10 of landfills and incinerators to receive training and certification.

11       (~~(17)~~) (18) It is necessary to provide adequate funding to all  
12 levels of government so that successful waste reduction and recycling  
13 programs can be implemented.

14       (~~(18)~~) (19) The development of stable and expanding markets for  
15 recyclable materials is critical to the long-term success of the  
16 state's recycling goals. Market development must be encouraged on a  
17 state, regional, and national basis to maximize its effectiveness. The  
18 state shall assume primary responsibility for the development of a  
19 multifaceted market development program to carry out the purposes of  
20 this act.

21       (~~(19)~~) (20) There is an imperative need to anticipate, plan for,  
22 and accomplish effective storage, control, recovery, and recycling of  
23 discarded tires and other problem wastes with the subsequent  
24 conservation of resources and energy.

25       **Sec. 7.** RCW 70.95.030 and 1998 c 36 s 17 are each amended to read  
26 as follows:

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

28       (1) "City" means every incorporated city and town.

29       (2) "Commission" means the utilities and transportation commission.

30       (3) "Committee" means the state solid waste advisory committee.

31       (4) "Composted material" means organic solid waste that has been  
32 subjected to controlled aerobic degradation at a solid waste facility  
33 in compliance with the requirements of this chapter. Natural decay of  
34 organic solid waste under uncontrolled conditions does not result in  
35 composted material.

36       (5) "Department" means the department of ecology.

37       (6) "Director" means the director of the department of ecology.

1 (7) "Disposal site" means the location where any final treatment,  
2 utilization, processing, or deposit of solid waste occurs.

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

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

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

13 (11) "Jurisdictional health department" means city, county, city-  
14 county, or district public health department.

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

18 (13) "Local government" means a city, town, or county.

19 (14) "Modify" means to substantially change the design or  
20 operational plans including, but not limited to, removal of a design  
21 element previously set forth in a permit application or the addition of  
22 a disposal or processing activity that is not approved in the permit.

23 (15) "Multiple family residence" means any structure housing two or  
24 more dwelling units.

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

28 (17) "Recyclable materials" means those solid wastes that are  
29 separated for recycling or reuse, such as papers, metals, and glass,  
30 that are identified as recyclable material pursuant to a local  
31 comprehensive solid waste plan. Prior to the adoption of the local  
32 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),  
33 local governments may identify recyclable materials by ordinance from  
34 July 23, 1989.

35 (18) "Recycling" means transforming or remanufacturing waste  
36 materials into usable or marketable materials for use other than  
37 landfill disposal or incineration.

38 (19) "Residence" means the regular dwelling place of an individual  
39 or individuals.

1 (20) "Sewage sludge" means a semisolid substance consisting of  
2 settled sewage solids combined with varying amounts of water and  
3 dissolved materials, generated from a wastewater treatment system, that  
4 does not meet the requirements of chapter 70.95J RCW.

5 (21) "Soil amendment" means any substance that is intended to  
6 improve the physical characteristics of the soil, except composted  
7 material, commercial fertilizers, agricultural liming agents,  
8 unmanipulated animal manures, unmanipulated vegetable manures, food  
9 wastes, food processing wastes, and materials exempted by rule of the  
10 department, such as biosolids as defined in chapter 70.95J RCW and  
11 wastewater as regulated in chapter 90.48 RCW.

12 (22) "Solid waste" or "wastes" means all putrescible and  
13 nonputrescible solid and semisolid wastes including, but not limited  
14 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,  
15 demolition and construction wastes, abandoned vehicles or parts  
16 thereof, and recyclable materials.

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

23 (24) "Source separation" means the separation of different kinds of  
24 solid waste at the place where the waste originates.

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

31 (26) "Waste-derived soil amendment" means any soil amendment as  
32 defined in this chapter that is derived from solid waste as defined in  
33 RCW 70.95.030, but does not include biosolids or biosolids products  
34 regulated under chapter 70.95J RCW or wastewaters regulated under  
35 chapter 90.48 RCW.

36 (27) "Waste reduction" means reducing the amount or toxicity of  
37 waste generated or reusing materials.

38 (28) "Yard debris" means plant material commonly created in the  
39 course of maintaining yards and gardens, and through horticulture,



1 gardening, landscaping, or similar activities. Yard debris includes  
2 but is not limited to grass clippings, leaves, branches, brush, weeds,  
3 flowers, roots, windfall fruit, vegetable garden debris, holiday trees,  
4 and tree prunings four inches or less in diameter.

5 **Sec. 8.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to read  
6 as follows:

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

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

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

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

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

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

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

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

27 (4) A program for surveillance and control.

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

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

35 (b) Any city solid waste operation within the county and the  
36 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, in  
7 accordance with the priorities established in RCW 70.95.010, provides  
8 programs that (a) reduce the amount of waste generated, (b) provide  
9 incentives and mechanisms for source separation, and (c) establish  
10 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 from  
16 residences in urban and rural areas. In urban areas, these programs  
17 shall include collection of source separated recyclable materials from  
18 single and multiple family residences, unless the department approves  
19 an alternative program, according to the criteria in the planning  
20 guidelines. Such criteria shall include: Anticipated recovery rates  
21 and levels of public participation, availability of environmentally  
22 sound disposal capacity, access to markets for recyclable materials,  
23 unreasonable cost impacts on the ratepayer over the six-year planning  
24 period, utilization of environmentally sound waste reduction and  
25 recycling technologies, and other factors as appropriate. In rural  
26 areas, these programs shall include but not be limited to drop-off  
27 boxes, buy-back centers, or a combination of both, at each solid waste  
28 transfer, processing, or disposal site, or at locations convenient to  
29 the residents of the county. The drop-off boxes and buy-back centers  
30 may be owned or operated by public, nonprofit, or private persons;

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

34 (iii) Programs to collect yard (~~waste, if the county or city~~  
35 ~~submitting the plan finds that there are~~) debris, including strategies  
36 to:

37 (A) Develop alternative means for managing yard debris;

38 (B) Eliminate disposal of yard debris in landfills; and

1        (C) Develop adequate markets or capacity for composted yard  
2 ~~((waste))~~ debris within or near the service area to consume ~~((the~~  
3 ~~majority of))~~ the material collected; and

4        (iv) Programs to educate and promote the concepts of waste  
5 reduction and recycling;

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

13        (d) Other information the county or city submitting the plan  
14 determines is necessary.

15        (8) County and city comprehensive solid waste management plans may  
16 provide for the establishment of residential collection rate structures  
17 that provide economic incentives for customers to reduce their level of  
18 solid waste collection service and encourage participation in waste  
19 reduction, recycling, and yard debris collection programs. All  
20 jurisdictions that are signatories to comprehensive solid waste  
21 management plans that adopt residential incentive rates shall adopt  
22 ordinances to implement rate structures that are consistent with the  
23 guidelines in the comprehensive plans. The utilities and  
24 transportation commission is authorized to issue rules to implement  
25 this section for solid waste collection companies regulated under Title  
26 81 RCW.

27        (9) An assessment of the plan's impact on the costs of solid waste  
28 collection. The assessment shall be prepared in conformance with  
29 guidelines established by the utilities and transportation commission.  
30 The commission shall cooperate with the Washington state association of  
31 counties and the association of Washington cities in establishing such  
32 guidelines.

33        ~~((+9))~~ (10) A review of potential areas that meet the criteria as  
34 outlined in RCW 70.95.165.

35        **Sec. 9.** RCW 70.95.280 and 1989 c 431 s 13 are each amended to read  
36 as follows:

37        The department of ecology shall determine the best management  
38 practices for categories of solid waste in accordance with the priority

1 solid waste management methods established in RCW 70.95.010. In order  
2 to make this determination, the department shall conduct a  
3 comprehensive solid waste stream analysis and evaluation. Following  
4 establishment of baseline data resulting from an initial in-depth  
5 analysis of the waste stream, the department shall develop a less  
6 intensive method of monitoring the disposed waste stream including, but  
7 not limited to, changes in the amount of waste generated and waste  
8 type. The department shall monitor curbside collection programs and  
9 other waste segregation and disposal technologies to determine, to the  
10 extent possible, the effectiveness of these programs in terms of cost  
11 and participation, their applicability to other locations, and their  
12 implications regarding rules adopted under this chapter. Persons who  
13 collect solid waste shall annually report to the department the types  
14 and quantities of solid waste that are collected and where it is  
15 delivered. The department shall adopt guidelines for reporting and for  
16 ~~((keeping proprietary information confidential))~~ maintaining the  
17 confidentiality of proprietary information included in the report. By  
18 March 1st of each year, entities that collect recycled material shall  
19 report their activity from the previous calendar year on a form  
20 provided by the department. The department may impose a penalty of one  
21 hundred dollars on any entity that fails to submit the required report  
22 to the department. The department may impose an additional penalty of  
23 one hundred dollars for each day after March 1st that a firm fails to  
24 submit the required report. The total penalties for failure to report  
25 shall not exceed one thousand dollars. By May 1st of each year, the  
26 department may arrange for the publication in recycling and solid waste  
27 industry trade publications the names of those entities failing to file  
28 the required report. The department shall structure penalties and  
29 other sanctions so as to encourage compliance with the annual reporting  
30 requirement.

31 **Sec. 10.** RCW 70.95.290 and 1988 c 184 s 3 are each amended to read  
32 as follows:

33 (1) The evaluation of the solid waste stream required in RCW  
34 70.95.280 shall include the following elements:

35 (a) The department shall determine which management method for each  
36 category of solid waste will have the least environmental impact; and

37 (b) The department shall evaluate the costs of various management  
38 options for each category of solid waste, including a review of market

1 availability, and shall take into consideration the economic impact on  
2 affected parties;

3 (c) Based on the results of (a) and (b) of this subsection, the  
4 department shall determine the best management for each category of  
5 solid waste. Different management methods for the same categories of  
6 waste may be developed for different parts of the state.

7 (2) The department shall give priority to evaluating categories of  
8 solid waste that, in relation to other categories of solid waste,  
9 comprise a large volume of the solid waste stream or present a high  
10 potential of harm to human health. At a minimum the following  
11 categories of waste shall be evaluated:

12 (a) By January 1, 1989, yard ((waste)) debris and other  
13 biodegradable materials, paper products, disposable diapers, and  
14 batteries; ((and))

15 (b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid  
16 lightweight cellular polystyrene, and tires; and

17 (c) By January 1, 2004, construction, demolition, and land-clearing  
18 debris, biosolids, manure, and major food-processing wastes.

19 **Sec. 11.** RCW 70.95.810 and 1998 c 245 s 132 are each amended to  
20 read as follows:

21 (1) In order to establish the feasibility of composting food and  
22 yard ((wastes)) debris, the department shall provide funds, as  
23 available, to local governments submitting a proposal to compost such  
24 wastes.

25 (2) The department, in cooperation with the department of  
26 community, trade, and economic development, may approve an application  
27 if the project can demonstrate the essential parameters for successful  
28 composting, including, but not limited to, cost-effectiveness, handling  
29 and safety requirements, and current and potential markets.

--- END ---