
SENATE BILL 6715

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By Senators Eide, Swecker, Fraser, Costa, Rasmussen, Morton, Patterson, Kline, Jacobsen and Kohl-Welles

Read first time 01/24/2000. Referred to Committee on Environmental Quality & Water Resources.

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; 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 and volume of wastes to be
13 generated during construction;

14 (b) Alternatives to disposing of materials in a landfill, including
15 the revenues and costs of the alternatives and the costs of disposal in
16 a landfill; 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 **Sec. 2.** RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read
5 as follows:

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

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

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

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

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

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

19 ~~(i))~~ (d) Products for lower value uses containing recycled
20 plastics;

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

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

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

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

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

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

27 (2) The standards required by this section shall be applied to
28 recycled product purchasing by the department and other state agencies.
29 The standards may be adopted or applied by any other local government
30 in product procurement. The standards shall provide for exceptions
31 under appropriate circumstances to allow purchases of recycled products
32 that do not meet the minimum content requirements of the standards.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 39.04 RCW
34 to read as follows:

35 If a construction project receives state public funding:

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

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

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 81.77 RCW
4 to read as follows:

5 (1) The commission shall allow a solid waste collection company
6 collecting recyclable materials from residential customers to retain up
7 to thirty percent of the revenue paid to the company for the material
8 if the company submits a plan to the commission that is certified by
9 the appropriate local government authority as being consistent with the
10 local government solid waste plan and that demonstrates how the
11 revenues will be used to increase recycling. The remaining seventy
12 percent of the revenue shall be passed to residential customers served
13 by the company.

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

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

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

19 **Sec. 5.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read
20 as follows:

21 The legislature finds:

22 (1) Continuing technological changes in methods of manufacture,
23 packaging, and marketing of consumer products, together with the
24 economic and population growth of this state, the rising affluence of
25 its citizens, and its expanding industrial activity have created new
26 and ever-mounting problems involving disposal of garbage, refuse, and
27 solid waste materials resulting from domestic, agricultural, and
28 industrial activities.

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

34 (3) Considerations of natural resource limitations, energy
35 shortages, economics and the environment make necessary the development
36 and implementation of solid waste recovery and/or recycling plans and
37 programs.

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

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

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

12 (b) It is the responsibility of state, county, and city governments
13 to provide for a waste management infrastructure to fully implement
14 waste reduction and source separation strategies and to process and
15 dispose of remaining wastes in a manner that is environmentally safe
16 and economically sound. It is further the responsibility of state,
17 county, and city governments to monitor the cost-effectiveness and
18 environmental safety of combusting separated waste, processing mixed
19 waste, and recycling programs.

20 (c) It is the responsibility of county and city governments to
21 assume primary responsibility for solid waste management and to develop
22 and implement aggressive and effective waste reduction and source
23 separation strategies.

24 (d) It is the responsibility of state government to ensure that
25 local governments are providing adequate source reduction and
26 separation opportunities and incentives to all, including persons in
27 both rural and urban areas, and nonresidential waste generators such as
28 commercial, industrial, and institutional entities, recognizing the
29 need to provide flexibility to accommodate differing population
30 densities, distances to and availability of recycling markets, and
31 collection and disposal costs in each community; and to provide county
32 and city governments with adequate technical resources to accomplish
33 this responsibility.

34 (7) Environmental and economic considerations in solving the
35 state's solid waste management problems requires strong consideration
36 by local governments of regional solutions and intergovernmental
37 cooperation.

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

4 (a) Waste reduction;

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

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

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

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

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

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

15 ~~((11))~~ (12) It is necessary to compile and maintain adequate data
16 on the types and quantities of solid waste that are being generated and
17 to monitor how the various types of solid waste are being managed.

18 ~~((12))~~ (13) Vehicle batteries should be recycled and the disposal
19 of vehicle batteries into landfills or incinerators should be
20 discontinued.

21 ~~((13))~~ (14) Excessive and nonrecyclable packaging of products
22 should be avoided.

23 ~~((14))~~ (15) Comprehensive education should be conducted
24 throughout the state so that people are informed of the need to reduce,
25 source separate, and recycle solid waste.

26 ~~((15))~~ (16) All governmental entities in the state should set an
27 example by implementing aggressive waste reduction and recycling
28 programs at their workplaces and by purchasing products that are made
29 from recycled materials and are recyclable.

30 ~~((16))~~ (17) To ensure the safe and efficient operations of solid
31 waste disposal facilities, it is necessary for operators and regulators
32 of landfills and incinerators to receive training and certification.

33 ~~((17))~~ (18) It is necessary to provide adequate funding to all
34 levels of government so that successful waste reduction and recycling
35 programs can be implemented.

36 ~~((18))~~ (19) The development of stable and expanding markets for
37 recyclable materials is critical to the long-term success of the
38 state's recycling goals. Market development must be encouraged on a
39 state, regional, and national basis to maximize its effectiveness. The

1 state shall assume primary responsibility for the development of a
2 multifaceted market development program to carry out the purposes of
3 this act.

4 (~~(19)~~) (20) There is an imperative need to anticipate, plan for,
5 and accomplish effective storage, control, recovery, and recycling of
6 discarded tires and other problem wastes with the subsequent
7 conservation of resources and energy.

8 **Sec. 6.** RCW 70.95.030 and 1998 c 36 s 17 are each amended to read
9 as follows:

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

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

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

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

14 (4) "Composted material" means organic solid waste that has been
15 subjected to controlled aerobic degradation at a solid waste facility
16 in compliance with the requirements of this chapter. Natural decay of
17 organic solid waste under uncontrolled conditions does not result in
18 composted material.

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

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

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

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

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

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

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

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

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

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

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

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

10 (17) "Recyclable materials" means those solid wastes that are
11 separated for recycling or reuse, such as papers, metals, and glass,
12 that are identified as recyclable material pursuant to a local
13 comprehensive solid waste plan. Prior to the adoption of the local
14 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
15 local governments may identify recyclable materials by ordinance from
16 July 23, 1989.

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

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

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

26 (21) "Soil amendment" means any substance that is intended to
27 improve the physical characteristics of the soil, except composted
28 material, commercial fertilizers, agricultural liming agents,
29 unmanipulated animal manures, unmanipulated vegetable manures, food
30 wastes, food processing wastes, and materials exempted by rule of the
31 department, such as biosolids as defined in chapter 70.95J RCW and
32 wastewater as regulated in chapter 90.48 RCW.

33 (22) "Solid waste" or "wastes" means all putrescible and
34 nonputrescible solid and semisolid wastes including, but not limited
35 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
36 demolition and construction wastes, abandoned vehicles or parts
37 thereof, and recyclable materials.

38 (23) "Solid waste handling" means the management, storage,
39 collection, transportation, treatment, utilization, processing, and

1 final disposal of solid wastes, including the recovery and recycling of
2 materials from solid wastes, the recovery of energy resources from
3 solid wastes or the conversion of the energy in solid wastes to more
4 useful forms or combinations thereof.

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

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

13 (26) "Waste-derived soil amendment" means any soil amendment as
14 defined in this chapter that is derived from solid waste as defined in
15 RCW 70.95.030, but does not include biosolids or biosolids products
16 regulated under chapter 70.95J RCW or wastewaters regulated under
17 chapter 90.48 RCW.

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

20 (28) "Yard debris" means plant material commonly created in the
21 course of maintaining yards and gardens, and through horticulture,
22 gardening, landscaping, or similar activities. Yard debris includes
23 but is not limited to grass clippings, leaves, branches, brush, weeds,
24 flowers, roots, windfall fruit, vegetable garden debris, holiday trees,
25 and tree prunings four inches or less in diameter.

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

28 Each county and city comprehensive solid waste management plan
29 shall include the following:

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

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

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

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

5 (b) Take into account the comprehensive land use plan of each
6 jurisdiction;

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

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

11 (4) A program for surveillance and control.

12 (5) A current inventory and description of solid waste collection
13 needs and operations within each respective jurisdiction which shall
14 include:

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

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

21 (c) The population density of each area serviced by a city
22 operation or by a franchised operation within the respective
23 jurisdictions;

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

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

31 (7) The waste reduction and recycling element shall include the
32 following:

33 (a) Waste reduction strategies;

34 (b) Source separation strategies, including:

35 (i) Programs for the collection of source separated materials from
36 residences in urban and rural areas. In urban areas, these programs
37 shall include collection of source separated recyclable materials from
38 single and multiple family residences, unless the department approves
39 an alternative program, according to the criteria in the planning

1 guidelines. Such criteria shall include: Anticipated recovery rates
2 and levels of public participation, availability of environmentally
3 sound disposal capacity, access to markets for recyclable materials,
4 unreasonable cost impacts on the ratepayer over the six-year planning
5 period, utilization of environmentally sound waste reduction and
6 recycling technologies, and other factors as appropriate. In rural
7 areas, these programs shall include but not be limited to drop-off
8 boxes, buy-back centers, or a combination of both, at each solid waste
9 transfer, processing, or disposal site, or at locations convenient to
10 the residents of the county. The drop-off boxes and buy-back centers
11 may be owned or operated by public, nonprofit, or private persons;

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

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

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

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

20 (C) Develop adequate markets or capacity for composted yard
21 ((waste)) debris within or near the service area to consume ((the
22 majority of)) the material collected; and

23 (iv) Programs to educate and promote the concepts of waste
24 reduction and recycling;

25 (c) Recycling strategies, including a description of markets for
26 recyclables, a review of waste generation trends, a description of
27 waste composition, a discussion and description of existing programs
28 and any additional programs needed to assist public and private sector
29 recycling, and an implementation schedule for the designation of
30 specific materials to be collected for recycling, and for the provision
31 of recycling collection services;

32 (d) Establishment of residential collection rate structures that
33 provide economic incentives for customers to reduce their level of
34 solid waste collection service and encourage participation in waste
35 reduction, recycling, and yard debris collection programs. All
36 jurisdictions that are signatories to comprehensive solid waste
37 management plans shall adopt ordinances to implement rate structures
38 that are consistent with the guidelines in the comprehensive plans; and

1 (e) Other information the county or city submitting the plan
2 determines is necessary.

3 (8) An assessment of the plan's impact on the costs of solid waste
4 collection. The assessment shall be prepared in conformance with
5 guidelines established by the utilities and transportation commission.
6 The commission shall cooperate with the Washington state association of
7 counties and the association of Washington cities in establishing such
8 guidelines.

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

11 **Sec. 8.** RCW 70.95.280 and 1989 c 431 s 13 are each amended to read
12 as follows:

13 The department of ecology shall determine the best management
14 practices for categories of solid waste in accordance with the priority
15 solid waste management methods established in RCW 70.95.010. In order
16 to make this determination, the department shall conduct a
17 comprehensive solid waste stream analysis and evaluation. Following
18 establishment of baseline data resulting from an initial in-depth
19 analysis of the waste stream, the department shall develop a less
20 intensive method of monitoring the disposed waste stream including, but
21 not limited to, changes in the amount of waste generated and waste
22 type. The department shall monitor curbside collection programs and
23 other waste segregation and disposal technologies to determine, to the
24 extent possible, the effectiveness of these programs in terms of cost
25 and participation, their applicability to other locations, and their
26 implications regarding rules adopted under this chapter. Persons who
27 collect solid waste shall annually report to the department the types
28 and quantities of solid waste that are collected and where it is
29 delivered. The department shall adopt guidelines for reporting and for
30 ~~((keeping proprietary information confidential))~~ maintaining the
31 confidentiality of proprietary information included in the report. By
32 March 1st of each year, entities that collect recycled material shall
33 report their activity from the previous calendar year on a form
34 provided by the department. The department may impose a penalty of one
35 hundred dollars on any entity that fails to submit the required report
36 to the department. The department may impose an additional penalty of
37 one hundred dollars for each day after March 1st that a firm fails to
38 submit the required report. The total penalties for failure to report

1 shall not exceed one thousand dollars. By May 1st of each year, the
2 department may arrange for the publication in recycling and solid waste
3 industry trade publications the names of those entities failing to file
4 the required report. The department shall structure penalties and
5 other sanctions so as to encourage compliance with the annual reporting
6 requirement.

7 **Sec. 9.** RCW 70.95.290 and 1988 c 184 s 3 are each amended to read
8 as follows:

9 (1) The evaluation of the solid waste stream required in RCW
10 70.95.280 shall include the following elements:

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

13 (b) The department shall evaluate the costs of various management
14 options for each category of solid waste, including a review of market
15 availability, and shall take into consideration the economic impact on
16 affected parties;

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

21 (2) The department shall give priority to evaluating categories of
22 solid waste that, in relation to other categories of solid waste,
23 comprise a large volume of the solid waste stream or present a high
24 potential of harm to human health. At a minimum the following
25 categories of waste shall be evaluated:

26 (a) By January 1, 1989, yard ((waste)) debris and other
27 biodegradable materials, paper products, disposable diapers, and
28 batteries; ((and))

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

31 (c) By January 1, 2002, construction, demolition, and land-clearing
32 debris, biosolids, manure, and major food-processing wastes.

33 **Sec. 10.** RCW 70.95.810 and 1998 c 245 s 132 are each amended to
34 read as follows:

35 (1) In order to establish the feasibility of composting food and
36 yard ((wastes)) debris, the department shall provide funds, as

1 available, to local governments submitting a proposal to compost such
2 wastes.

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

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