
HOUSE BILL 2072

State of Washington 63rd Legislature 2013 1st Special Session

By Representative Manweller

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1 AN ACT Relating to collected compostable waste; amending RCW
2 70.95.092 and 70.95.090; adding a new section to chapter 70.95 RCW; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that including the
6 separate collection of organic waste material, such as yard and food
7 waste, for eventual composting in a city's or county's solid waste
8 management plan has laudable social and environmental benefits,
9 including the diversion of waste from our state's landfills.

10 (2) The legislature further finds that the net environmental and
11 social benefits of municipal composting decreases with an increase in
12 shipping distance from the collection locations and the eventual
13 storage and processing location. Using fossil fuels to truck
14 compostable materials from one county to another increases the carbon
15 footprint of our garbage and changes the nature of composting from a
16 potentially environmentally beneficial activity to an activity that may
17 work counter to the state's greenhouse emissions goals.

18 (3) The legislature further finds that an increase in truck traffic
19 due to the hauling of compostable waste on the state's highways may

1 work counter to the state's traffic reduction goals. Increases in
2 truck hauling of compostable waste may increase traffic congestion,
3 traffic-related accidents, and damage to the state's highway
4 infrastructure.

5 (4) The legislature further finds that there must be a careful
6 balance between encouraging the benefits of municipal composting
7 programs while ensuring that the potential negative consequences do not
8 outweigh those benefits. An important element of that balancing
9 formula is to require cities and counties that choose municipal
10 composting programs to also invest in local facilities where the
11 collected materials can be stored and processed.

12 **Sec. 2.** RCW 70.95.092 and 1989 c 431 s 4 are each amended to read
13 as follows:

14 (1) Levels of service shall be defined in the waste reduction and
15 recycling element of each local comprehensive solid waste management
16 plan and shall include the services set forth in RCW 70.95.090. In
17 determining which service level is provided to residential and
18 nonresidential waste generators in each community, counties and cities
19 shall develop clear criteria for designating areas as urban or rural.
20 In designating urban areas, local governments shall consider the
21 planning guidelines adopted by the department, total population,
22 population density, and any applicable land use or utility service
23 plans.

24 (2) Any county or city that, with or without exceptions, mandates
25 compostable waste separation or collection as part of the level of
26 service for customers of curbside or alley residential solid waste
27 services must provide for the collected materials pursuant to section
28 3 of this act.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.95 RCW
30 to read as follows:

31 (1) Except as otherwise provided in this section, a city or county
32 that meets the conditions of RCW 70.95.092(2) must provide for the
33 storage and processing of at least fifty percent of all collected
34 compostable waste in the county where the materials are collected or
35 pursuant to a contractual agreement that specifically provides for the

1 storage and processing of compostable waste in a different county if
2 performance of the contract has begun prior to the effective date of
3 this section.

4 (2) The requirement for locally collected compostable waste storage
5 and processing created in subsection (1) of this section is temporarily
6 modified as follows:

7 (a) Until July 1, 2014, a city or county may export up to seventy
8 percent of collected compostable waste to a different county for
9 storage and processing; and

10 (b) Until July 1, 2015, a city or county may export up to sixty
11 percent of collected compostable waste to a different county for
12 storage and processing.

13 **Sec. 4.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to read
14 as follows:

15 Each county and city comprehensive solid waste management plan
16 shall include the following:

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

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

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

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

29 (b) Take into account the comprehensive land use plan of each
30 jurisdiction;

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

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

35 (4) A program for surveillance and control.

36 (5) A current inventory and description of solid waste collection

1 needs and operations within each respective jurisdiction which shall
2 include:

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

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

9 (c) The population density of each area serviced by a city
10 operation or by a franchised operation within the respective
11 jurisdictions;

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

14 (6) A comprehensive waste reduction and recycling element that, in
15 accordance with the priorities established in RCW 70.95.010, provides
16 programs that (a) reduce the amount of waste generated, (b) provide
17 incentives and mechanisms for source separation, and (c) establish
18 recycling opportunities for the source separated waste.

19 (7) The waste reduction and recycling element shall include the
20 following:

21 (a) Waste reduction strategies;

22 (b) Source separation strategies, including:

23 (i) Programs for the collection of source separated materials from
24 residences in urban and rural areas. In urban areas, these programs
25 shall include collection of source separated recyclable materials from
26 single and multiple-family residences, unless the department approves
27 an alternative program, according to the criteria in the planning
28 guidelines. Such criteria shall include: Anticipated recovery rates
29 and levels of public participation, availability of environmentally
30 sound disposal capacity, access to markets for recyclable materials,
31 unreasonable cost impacts on the ratepayer over the six-year planning
32 period, utilization of environmentally sound waste reduction and
33 recycling technologies, and other factors as appropriate. In rural
34 areas, these programs shall include but not be limited to drop-off
35 boxes, buy-back centers, or a combination of both, at each solid waste
36 transfer, processing, or disposal site, or at locations convenient to
37 the residents of the county. The drop-off boxes and buy-back centers
38 may be owned or operated by public, nonprofit, or private persons;

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

4 (iii) Programs to collect yard waste, if the county or city
5 submitting the plan finds that there are adequate markets or capacity
6 for composted yard waste within (~~or near~~) the service area to consume
7 (~~the majority~~), pursuant to section 3 of this act, at least fifty
8 percent of the material collected; and

9 (iv) Programs to educate and promote the concepts of waste
10 reduction and recycling;

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

18 (d) Other information the county or city submitting the plan
19 determines is necessary.

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

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

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