

# HOUSE BILL REPORT

## HB 1695

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**As Reported by House Committee On:**  
Environment

**Title:** An act relating to establishing a priority for the use, reuse, and recycling of construction aggregate and recycled concrete materials in Washington.

**Brief Description:** Establishing a priority for the use, reuse, and recycling of construction aggregate and recycled concrete materials in Washington.

**Sponsors:** Representatives Clibborn, Hayes, Ryu, Kochmar, Senn, Zeiger, Tarleton, Fey, Farrell, Harmsworth, Van Werven, Stanford, Fitzgibbon, Stokesbary, Wylie, Tharinger, Moscoso, Riccelli and Santos.

**Brief History:**

**Committee Activity:**

Environment: 2/9/15, 2/19/15 [DPS].

**Brief Summary of Substitute Bill**

- Requires the Department of Transportation (DOT), together with local governmental entities and Washington-based construction industry associations, to develop criteria and objectives for the reuse and recycling of commonly defined coarse and fine aggregate cement and concrete mixtures.
- Requires all DOT and large local jurisdiction transportation projects to use at least 25-percent construction aggregate and recycled concrete materials by 2016, and each year thereafter, requires that they increase the percentage by at least 5 percent until the year 2020.
- Requires any local government with jurisdiction over a public works transportation or infrastructure project to, by the year 2016, adopt standards as developed by the DOT for the use of recycled materials as shown in the DOT's standard specifications for road, bridge, and municipal construction.
- Requires local governments located in a county with less than 100,000 residents to review and determine their capacity for recycling, establish recycling strategies to reuse construction aggregate and recycled concrete materials for projects in their jurisdiction, and implement the strategies.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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## HOUSE COMMITTEE ON ENVIRONMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Farrell, Fey, Goodman, Harris, McBride, Pike and Taylor.

**Staff:** Jason Callahan (786-7117).

### **Background:**

The Washington Department of Transportation (DOT) maintains standard specifications for road, bridge, and municipal construction. According to the DOT, the standard specifications are, with some limited exceptions, incorporated into the written agreement between the DOT and their contractors. These standard specifications include the maximum allowable percent, by weight, of recycled materials in road and bridge aggregate materials. The allowable percentages are based on the materials being recycled, such as hot mix asphalt, concrete rubble, and steel furnace slag, and the use of the material, such as crushed surfacing, gravel backfill, or ballast. Depending on the material and its use, the maximum allowable percentage of recycled material is either 0 percent, 20 percent, or 100 percent.

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### **Summary of Substitute Bill:**

The DOT, together with cities, counties, and Washington-based construction industry associations (implementation partners) must develop and establish criteria and objectives for the reuse and recycling of commonly defined coarse and fine aggregate cement and concrete mixtures (construction aggregate and recycled concrete materials).

Beginning in the year 2016, all Washington roadway, street, highway, and transportation infrastructure projects undertaken by the DOT or a local government with more than 100,000 residents must use at least 25-percent construction aggregate and recycled concrete materials each year cumulatively across all projects if adequate amounts of materials are available. Each year after 2016, that percentage must be increased by at least 5 percent through the year 2020. During this time period, the DOT and its implementation partners must also report to the Legislature annually on the progress being made to reach the established recycling goals. Local governments with less than 100,000 residents must review their capacity for recycling and reusing construction materials, establish strategies for meeting that capacity, and begin implementing those strategies.

Also beginning in the year 2016, any local government with less than 100,000 residents, or any local government with jurisdiction over a public works transportation or infrastructure project, regardless of size, must adopt standards as developed by the DOT for the use of recycled materials as shown in the DOT's standard specifications for road, bridge, and municipal construction.

### **Substitute Bill Compared to Original Bill:**

The substitute bill removes a requirement for the development of incentives for increasing the recycling and reuse of construction materials, clarifies that the recycling and reuse components of the bill only apply to transportation projects, removes a reference to a catch-all class of construction materials, changes the required annual increase in recycled construction materials percentages from 9 percent to 5 percent, removes the express goal of using 70-percent recycled construction materials by the year 2020, and clarifies that the mandatory percentage of recycled construction materials is calculated as a cumulative percentage across all of an actor's projects in a given year.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The state is in the midst of a number of projects that will result in an abundance of recyclable and reusable construction materials. It is most advantageous financially and environmentally to reuse these materials in new projects; however, different rules in one region of the state have discouraged the use of these materials statewide. The construction industry needs to know that the same rules apply in all of the counties.

Today, projects with extra concrete just throw the fully reusable materials into the trash. All efforts should be made to keep construction materials out of landfills. We are rapidly running out of room in our landfills and we need to get these materials back out and into projects. The moment is right to demonstrate that potentially competitive interests can work together to achieve multiple good outcomes.

The DOT has standards for reusing these materials and the bill allows local governments the flexibility they need to ensure how the recycling mandate will be met for their communities. This is a collaborative approach to ensure that all of the stakeholders are working together.

Goals have to be more than just aspirational or they will never be met. However, small communities do justify different standards and may not need a mandate regarding the percentage of recycled materials in their projects.

(With concerns) There could be an increase in cost for state construction projects due to having to bring materials into construction sites from further away. These materials should be used when it makes sense to use them, but not in every instance. The mandates will only work efficiently in larger markets.

(Opposed) None.

**Persons Testifying:** (In support) Representative Clibborn, prime sponsor; Representative Hayes; Bruce Chattin, Washington Concrete and Aggregates Association; Ed Owens, Calportland Company; Scott Hazelgrove, Cadman; and Jeff Carpenter, Department of Transportation.

(With concerns) Gary Rowe, Washington State Association of Counties.

**Persons Signed In To Testify But Not Testifying:** None.