

HOUSE BILL REPORT

HB 1695

As Reported by House Committee On:

Environment
Transportation

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];
Transportation: 2/24/15, 2/26/15 [DPS(ENVI)].

Brief Summary of Substitute Bill

- Requires the Washington State Department of Transportation (WSDOT), 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 WSDOT 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 WSDOT for the use of recycled materials as shown in the WSDOT'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

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recycling strategies to reuse construction aggregate and recycled concrete materials for projects in their jurisdiction, and implement the strategies.

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.

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.

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.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill by Committee on Environment be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Bergquist, Gregerson, Harmsworth, Hayes, Kochmar, McBride, Moeller, Morris, Ortiz-Self, Pike, Riccelli, Rodne, Sells, Shea, Takko, Tarleton, Wilson, Young and Zeiger.

Minority Report: Without recommendation. Signed by 1 member: Representative Hargrove, Assistant Ranking Minority Member.

Staff: Alyssa Ball (786-7140).

Summary of Recommendation of Committee On Transportation Compared to Recommendation of Committee On Environment:

No new changes were recommended.

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) This bill was brought by the industry at a time when there were mixed messages being sent across the state—one district was told they could not use recycled concrete, while another district did not have a similar rule. The effect of this was that contractors didn't know if they could start their construction projects and use recycled concrete because they might have a ruling come down after the fact about the material's use and it would change what they were doing. This is an attempt to get consistency across the board for contractors. Additionally, there is a large quantity of material that will soon need to be recycled, such as

the State Route 520 pontoons and it would be preferable to not have that material hauled off to a site where it can't be recycled and used.

The Washington Aggregate and Concrete Association has been working with cities, counties, and the Washington State Department of Transportation (WSDOT) to address concerns in the original bill. The substitute bill has revised and reduced the number of requirements, clearly positioned the existing WSDOT guide on how, when, and where to use recycled materials, and separates 27 out of 39 counties from any minimums required and gives them the ability to establish their own capabilities and strategies for recycling in their rural jurisdictions. The bill allows for a collaborative process across stakeholders to ensure long-term success. Recycled materials will cost less than virgin materials.

There are many large structures that are soon to come down, which would give many projects many opportunities to use recycled materials. If this policy is not implemented now, it may close the window to do this in the future. This bill sends a very clear message about a new way for the state to do business.

(With concerns) The Association of Washington Counties still has a few concerns about the bill. This is something new that hasn't been in place for a while, so inevitably there are going to be questions about how it is going to be implemented. If materials are tested and not found to be adequate or are not readily available, it may be difficult to meet the 25 percent goal. It would be good if the process was more vetted and thought through prior to implementation. The cities and counties would like to see the implementation date delayed for its members so that they may learn from the experience the WSDOT has with implementing the bill.

The WSDOT supports the use of recycled materials on highway construction projects and have continued to expand the use of it within the standard specifications. While the WSDOT appreciates the new, lower goal, there will still be costs associated with meeting the goal, in particular the cost of hauling materials to remote locations. Tracking attainment will require extensive reporting and monitoring to ensure the goal is met. The WSDOT would request the ability to track actual usage of recycled material for one year prior to implementation of the bill.

(Opposed) None.

Persons Testifying: (In support) Representative Clibborn, prime sponsor; Bruce Chattin, Washington Aggregate and Concrete Association; and Ed Owens, CalPortland Company.

(With concerns) Gary Rowe, Washington Association of Counties; and Kurt Williams, Washington State Department of Transportation.

Persons Signed In To Testify But Not Testifying: None.