

# SENATE BILL REPORT

## EHB 2400

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As Reported by Senate Committee On:  
Energy, Environment & Telecommunications, February 23, 2016

**Title:** An act relating to clarifying that the provisions of chapter 70.95 RCW do not apply to steel slag that is a product of production in the electric arc steel-making process and is managed as an item of commercial value and placed in commerce.

**Brief Description:** Clarifying that the provisions of chapter 70.95 RCW do not apply to steel slag that is a product of production in the electric arc steel-making process and is managed as an item of commercial value and placed in commerce.

**Sponsors:** Representatives Fitzgibbon and Tarleton.

**Brief History:** Passed House: 2/11/16, 96-0.

**Committee Activity:** Energy, Environment & Telecommunications: 2/23/16, 2/23/16 [DP].

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### SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

**Majority Report:** Do pass.

Signed by Senators Ericksen, Chair; McCoy, Ranking Minority Member; Braun, Brown, Cleveland, Honeyford and Ranker.

**Staff:** Jan Odano (786-7486)

**Background:** Local governments have the primary responsibility to manage solid waste. Each county must prepare a coordinated, comprehensive solid waste management plan and adopt regulations or ordinances to implement the plan. The plan must include solid waste handling, recovery, and recycling that can be integrated into the comprehensive county plan. The local jurisdiction permits solid waste disposal sites and facilities.

The Department of Ecology (Ecology) establishes standards for solid waste handling. The regulations address storage, collection, transportation, and treatment, and are not limited to issuance of permits and the establishment of basic level and type of services for solid waste handling. Ecology reviews and approves locally issued permits and solid waste management plans, and defines minimum functional standards for all types of solid waste facilities. The sites and facilities must meet certain criteria to protect the environment and human health. Ecology solid waste rules treat industrial wastes as a type of solid waste. Certain materials

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are explicitly excluded, such as hazardous wastes subject to other state regulations, timber harvest residues, and mined rock material.

A person may apply to Ecology for an exemption from permitting requirements for the beneficial use of solid waste. Once a permit exemption is approved, the conditions for beneficial use of solid waste include conducting the beneficial use in a way that does not threaten human health or the environment; ensuring the material is not a dangerous waste; complying with all applicable federal, state and local regulations; notifying Ecology and the local government of any accidental release of contaminant; and separating beneficial use and disposal wastes.

There are two primary processes to produce steel; blast furnace-basic oxygen furnace (BF-BOF) and electric arc furnace (EAF). The BF-BOF uses hot air to melt iron ores to produce steel. The EAF is a process that consists of charging scrap metal and then passing an electric current through electrodes to heat and melt the scrap metal to produce steel. Both processes produce steel slag. The US Environmental Protection Agency exempted iron and steel slag under Resource Conservation and Recovery Act as hazardous wastes; however, they are considered solid waste for disposal purposes. Steel slag is used for construction and road building, road bases, asphalt concrete aggregates, and concrete aggregates and products.

**Summary of Bill:** Steel slag that is the primary product of electric arc steel-making process, produced to specification, managed as having commercial value, and placed in commerce for general public consumption is not subject to solid waste management requirements.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Our company produces 1 million tons of rebar and various structural steel products from recycled scrap. We are one of the most energy efficient companies and the least carbon intensive steel business. We also make 100,000 tons of steel slag. The steel slag is used for many engineered uses. The processes are controlled to meet ASTM recognized steel slag specification. We are looking for statutory clarification because some associate the generic term “slag” with a waste by-product of other processes and confuse it with steel slag, which is intentionally produced to specification and sold in established markets. Currently, 7 states have laws that specifically designate steel slag as a product of the steel making process. Most steel manufacturers include steel slag as part of their business plan.

**Persons Testifying:** PRO: Brad Boswell, Nucor Steel; Pat Jablonski, Nucor Steel.

**Persons Signed In To Testify But Not Testifying:** No one.