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**HOUSE BILL 2380**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Smith and Doglio

AN ACT Relating to Washington's economic development potential as a world leader in the stewardship of postconsumer materials; amending RCW 70.95.100, 70.95.280, 70.95.285, and 70.95.290; and creating new sections.

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

NEW SECTION. **Sec.**  (1) The legislature finds that Washington has long been a leader in solid waste management that protects the environment and public health. Washington can be proud of recycling rates that often exceed fifty percent, thanks to a robust system of state and local oversight. Washington's solid waste management systems also boast advanced and widespread organic material composting initiatives, and pioneering programs that require the cradle-to-grave stewardship of hazardous components of electronic products, lightbulbs that contain mercury, and solar panels.

(2) In spite of these successes, because Washington's solid waste management systems operate in a global marketplace for solid waste, the successes of our programs are at the whim of market forces and policymakers operating outside of the state. Wastes collected in Washington are frequently processed or disposed of in other jurisdictions whose laws may not ensure commensurately high environmental and public health standards. And due to recent changes in the recycling and solid waste policies in China, which has historically had a significant role in processing Washington's recyclable materials, waste management systems that have long operated successfully have faced disruptions that threaten the economic viability of recycling for many types of potentially recyclable materials.

(3) Through this act, it is the goal of the legislature to:

(a) Increase the in-state capacity to make economically beneficial reuse of recyclable materials, including by reducing contamination rates of collected recyclable materials;

(b) Encourage the disposal in Washington of solid wastes generated in Washington, or, failing that goal, in other places that meet high environmental, health, and safety standards that are similar to Washington's; and

(c) Diminish the volumes of solid wastes and recyclable materials generated in Washington that are exported to places with lower environmental and public health standards than we set to protect our own health and environment.

NEW SECTION. **Sec.**  The utilities and transportation commission, working with the department of ecology, must develop a public outreach strategy designed to improve consumer education regarding solid waste management and to reduce rates of contamination in collected recyclable materials. In developing this strategy, the utilities and transportation commission and the department of ecology must consider the input of counties, cities, waste and recyclable material collectors, and the operators of facilities that store or process solid waste or recyclable materials. The utilities and transportation commission must also design the strategy to operate in tandem with and support the guidelines developed pursuant to RCW 70.95.100(1) to reduce rates of recycling contamination. The public outreach strategy must be statewide in scope, but must account for and be designed to accommodate the variation among local governments in solid waste and recyclable material collection activities. The utilities and transportation commission must submit the strategy to the legislature by October 1, 2019, along with recommendations for levels and sources for any new funding necessary to implement the strategy.

NEW SECTION. **Sec.**  (1) The department of commerce shall arrange for the completion of an economic analysis of solid waste and recyclable material processing, export, and disposal activities in Washington. The analysis must include:

(a) An evaluation of the existing businesses that derive value from processing recyclable materials or solid wastes into saleable products, and an evaluation of opportunities and barriers to the expansion of the number and types of these businesses in the state;

(b) An evaluation of the implications of recent recycling market changes in the western United States on recycling rates and on businesses collecting and processing recyclable materials in Washington; and

(c) Scenario models of the economic impacts and changes to recycling rates that would result from policy alternatives that would maximize the volume of solid wastes and recyclable materials processed and disposed of within Washington.

(2) By December 1, 2019, the analysis required in subsection (1) of this section must be submitted in a report to the legislature consistent with the requirements of RCW 43.01.036. The analysis must be accompanied by recommendations from the department of commerce, developed in consultation with the utilities and transportation commission, the department of ecology, and interested stakeholders, regarding changes to state solid waste and recycling policies, with the goal of increasing the amount of solid waste and recyclable materials generated in Washington that end up being processed or disposed of in Washington.

**Sec.**  RCW 70.95.100 and 1989 c 431 s 6 are each amended to read as follows:

(1) The department or the commission, as appropriate, shall provide to counties and cities technical assistance including, but not limited to, planning guidelines, in the preparation, review, and revision of solid waste management plans required by this chapter. Guidelines prepared under this section shall be consistent with the provisions of this chapter. Guidelines for the preparation of the waste reduction and recycling element of the comprehensive solid waste management plan shall be completed by the department by March 15, 1990, and updated by March 15, 2019, and periodically thereafter to reflect changes in recyclable material market conditions. These guidelines shall provide recommendations to local government on materials to be considered for designation as recyclable materials. These guidelines must be developed, with input from material recovery facility operators and other stakeholders, with a goal of reducing contamination rates of collected recyclable materials in order to maximize the economically viable reuse of these materials, and must promote greater statewide standardization and uniformity in the types and methods of recyclable material collection. The state solid waste management plan prepared pursuant to RCW 70.95.260 shall be consistent with these guidelines.

(2) The department shall be responsible for development and implementation of a comprehensive statewide public information program designed to encourage waste reduction, source separation, and recycling by the public. The department shall operate a toll free hotline to provide the public information on waste reduction and recycling.

(3) The department shall provide technical assistance to local governments in the development and dissemination of informational materials and related activities to assure recognition of unique local waste reduction and recycling programs.

(4) Local governments shall make all materials and information developed with the assistance grants provided under RCW 70.95.130 available to the department for potential use in other areas of the state.

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

The department of ecology shall determine the best management practices for categories of solid waste in accordance with the priority solid waste management methods established in RCW 70.95.010. In order to make this determination, the department shall conduct a comprehensive solid waste stream analysis and evaluation. Following establishment of baseline data resulting from an initial in-depth analysis of the waste stream, the department shall develop a less intensive method of monitoring the disposed waste stream including, but not limited to, changes in the amount of waste generated and waste type. The department shall monitor curbside collection programs and other waste segregation and disposal technologies to determine, to the extent possible, the effectiveness of these programs in terms of cost and participation, their applicability to other locations, and their implications regarding rules adopted under this chapter. Persons who collect solid waste shall annually report to the department the types and quantities of solid waste that are collected and where it is delivered. Other persons with solid waste handling permits, persons that handle solid waste but are exempt from permitting requirements, and persons that export solid waste from Washington shall annually report to the department the types and quantities of solid waste that are generated, stored, used, treated, processed, or disposed of by the facility. These reports must include information on the types and quantities of solid wastes and recyclable materials that are exported outside of the state and the ultimate destination of those materials. The department shall adopt guidelines for reporting and for keeping proprietary information confidential.

**Sec.**  RCW 70.95.285 and 1988 c 184 s 2 are each amended to read as follows:

The comprehensive, statewide solid waste stream analysis under RCW 70.95.280 shall be based on representative solid waste generation areas and solid waste generation sources within the state. The following information and evaluations shall be included:

(1) Solid waste generation rates for each category;

(2) The rate of recycling being achieved within the state for each category of solid waste;

(3) The rates and volumes of export outside of Washington of different categories of solid wastes and recyclable materials;

(4) The rates and volumes of collected recyclable materials that end up being processed as recyclable materials, rather than being incinerated or otherwise disposed of;

(5) The current and potential rates of solid waste reduction within the state;

((~~(4)~~)) (6) A technological assessment of current solid waste reduction and recycling methods and systems, including cost/benefit analyses;

((~~(5)~~)) (7) An assessment of the feasibility of segregating solid waste at: (a) The original source, (b) transfer stations, and (c) the point of final disposal;

((~~(6)~~)) (8) A review of methods that will increase the rate of solid waste reduction; and

((~~(7)~~)) (9) An assessment of new and existing technologies that are available for solid waste management including an analysis of the associated environmental risks and costs.

The data required by the analysis under this section shall be kept current and shall be available to the public, local governments, and the waste management industry. The evaluations required by this section must also be updated by December 1, 2018, and kept current thereafter, including by addressing changes resulting from evolving solid waste and recyclable material market dynamics.

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

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

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

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

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

(2) The department shall give priority to evaluating categories of solid waste that, in relation to other categories of solid waste, comprise a large volume of the solid waste stream, present economic opportunities for material recovery, recycling, and reuse, or present a high potential of harm to human health. At a minimum the following categories of waste shall be evaluated:

((~~(a) By January 1, 1989,~~)) Yard waste and other biodegradable materials, paper products, disposable diapers, ((~~and~~)) batteries((~~; and~~

~~(b) By January 1, 1990~~)), metals, glass, plastics, styrofoam or rigid lightweight cellular polystyrene, and tires.

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