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**SENATE BILL 5854**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Palumbo, Rivers, Hobbs, Liias, Nguyen, and Wilson, L.

AN ACT Relating to ensuring the long-term economic and environmental sustainability of the state's recycling system within the existing regulatory structure; amending RCW 70.95.010, 81.80.470, 70.95.130, and 70.95.080; adding new sections to chapter 70.95 RCW; adding new sections to chapter 35.21 RCW; adding new sections to chapter 35A.21 RCW; adding a new section to chapter 36.58 RCW; adding a new section to chapter 81.80 RCW; adding new sections to chapter 43.131 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. **Sec.**  (1) The legislature finds that:

(a) Washington has long been a national and global leader in the management of recyclable materials and solid waste;

(b) Recyclable import restrictions worldwide have created a crisis for recycling programs across the world, including state and local recycling programs and the waste and recycling industry in Washington, requiring immediate action by the legislature;

(c) To maintain the environmental and economic sustainability of Washington's existing solid waste system, it is necessary to improve consumer education regarding their role in the recycling system, reduce contamination in Washington's recyclables, increase consistency in curbside commingled recycling programs across Washington, and educate the public regarding the true costs of recycling;

(d) Washington will benefit from a transparent public process to track recyclables collected through curbside commingled recycling systems that require disposal because the materials lack a market and manage these materials in a manner that protects human health, safety, and the environment;

(e) Washington should reset its recycling agenda and move away from arbitrary waste diversion and recycling goals and emphasize quality recycling that prioritizes recycling that offers significant economic and environmental benefits over the quantity of waste diverted; and

(f) Washington should revisit the goals of the 2005 recycling enforcement and accountability law to reduce contamination in recyclables and provide for better enforcement in solid waste and recycling.

(2) In the interest of ensuring the efficient and effective functioning of the state's solid waste and recycling systems, it is the public policy of Washington to require that provisions in contracts for solid waste or recycling collection or processing services be consistent with these goals.

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

By January 1, 2020, the department, based on recommendations from the stakeholder group created in section 5 of this act, must conduct a statewide, coordinated public outreach and education campaign for sustainable recycling practices, designed to:

(1) Reduce contamination of recyclable materials;

(2) Prioritize an economically and environmentally sustainable recycling system that maximizes the economic and environmental benefits of collected materials;

(3) Promote the list of recyclable materials for commingled recycling programs developed under section 3 of this act;

(4)(a) Emphasize that recycling is not a cost-free activity, even when the costs of recycling are not directly borne by the consumer, and that the costs of recycling are instead sometimes embedded within other solid waste system costs;

(b) Improve consumer education regarding the role of consumers in solid waste management;

(c) Emphasize that if a consumer does not know whether an item is recyclable, the consumer should place the item in the waste bin to avoid contaminating the recycling stream;

(d) Emphasize that recyclables must be clean, empty, and dry to be recycled, otherwise the consumer should place the item in the waste bin to avoid contaminating the waste stream;

(e) Emphasize that consumers should consult their local recycling program list to find out what items are recyclable in their area and place only those items in their recycling bin; and

(f) Be statewide in scope, but accommodate local variation in government collection activities.

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

(1) Solid waste management plans prepared under RCW 70.95.080 must be updated by January 1, 2020, so that the plans include at most the following as recyclable materials to be collected through commingled curbside recycling programs:

(a) Paper, including only:

(i) Newspaper, including advertisement and paper inserts;

(ii) Magazines and catalogs;

(iii) Corrugated cardboard;

(iv) Mail, including direct and junk mail;

(v) Boxes, including but not limited to cereal, cracker, cookie, and shoe boxes; and

(vi) Office paper, including copier paper, printer paper, file folders, note paper, computer paper, and brochures;

(b) Metal, including only:

(i) Steel or tin cans;

(ii) Aluminum cans; and

(c) Plastic, including only bottles and jugs with lids removed made of polyethylene terephthalate (#1 PET) and high density polytheylene (#2 HDPE) plastic, including but not limited to those containers used to store carbonated beverages, milk, juice, and detergent and cleaning solutions.

(2) Solid waste management plans prepared under RCW 70.95.080 must be updated by January 1, 2020, so that the plans exclude the following as recyclable materials to be collected through commingled curbside recycling programs until January 1, 2024:

(a) Paper, including:

(i) Aseptic packaging, including but not limited to milk, juice, soup and similar boxes or cartons;

(ii) Freezer boxes and ice-cream containers; and

(iii) Shredded paper;

(b) Metal, including scrap metal;

(c) Plastics, including:

(i) Any materials consisting of plastics #3-#7, polyvinyl chloride (#3 PVC), low density polyethylene (#4 LDPE), polypropylene (#5 PP), polystyrene (#6 PS), and materials made from other plastic resins (#7 other);

(ii) Plastic tubs and buckets, including but not limited to salsa, margarine, cottage cheese tubs, and five gallon buckets;

(iii) Yogurt cups;

(iv) Planting or nursery pots;

(v) Flower pots; and

(vi) Plastic bags and plastic film of all kinds;

(d) Glass of any type;

(e) Other materials, including:

(i) Hazardous or medical waste of any type;

(ii) Fabric or textiles of any type;

(iii) Diapers;

(iv) Wire, rope, chain, garden hoses, and Christmas lights;

(v) Wood; and

(f) All other wastes and materials not listed in subsection (1) of this section.

(3) Each county and city with a solid waste management plan adopted under RCW 70.95.080 must submit evidence to the department by December 1, 2019, that its plan conforms with the designation requirements of subsections (1) and (2) of this section. The department must submit a report to the legislature, consistent with RCW 43.01.036 by February 1, 2020, that details local government compliance with this section, including which cities and counties have updated solid waste management plans and commingled recycling programs in compliance with the requirements of this section.

(4)(a) A city or county may not designate recyclable materials identified in subsection (2) of this section until January 1, 2024.

(b) After January 1, 2020, a city or county may not operate or through any means require a curbside commingled recycling program to collect materials identified in subsection (2) of this section, until January 1, 2024.

(c) Beginning January 1, 2024, a city or county may designate as recyclable, or collect through curbside commingled recycling programs, a material identified in subsection (2) of this section, consistent with the process adopted by the department under section 4 of this act.

(5) Consistent with processes adopted under section 4 of this act, the department must periodically review any item designated by a city or county under subsection (4)(c) of this section. At minimum, the department must review each individual material designated as recyclable in a county or city plan or included in a curbside commingled recycling program:

(a) Upon the submission of a plan revision under the schedule established under RCW 70.95.110; and

(b) Prior to the renewal of an existing contract or the formalization of a new contract by a city for the collection of curbside commingled recycling.

(6) For the purposes of this section, "commingled recyclable materials" means a mixture of several types of recyclable materials in one load or container, such as aluminum cans, paper, plastic, and cardboard in one container, or wood, concrete, and metal in one load.

(7) The department may adopt rules providing for the implementation and enforcement of this section consistent with the recommendations of the stakeholder group identified in section 5 of this act. The department may issue interim guidance, consistent with recommendations of the stakeholder work group, in advance of the adoption of the rules. The requirements of this section take effect January 1, 2020, without respect to whether the department has adopted rules or issued guidance in advance of that date, and the department may not delay implementation during rule development.

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

(1) By June 1, 2021, the department, based upon the recommendations of the stakeholder group identified in section 5 of this act, must adopt a rule establishing a process and criteria by which cities and counties may designate materials acceptable for collection in commingled recycling systems under section 3 of this act.

(2) For each material proposed for inclusion in a curbside commingled recycling plan or program under section 3 of this act, the process established under this section must require a local government to determine that including a material provides either:

(a) An economic benefit, as determined by the completion of cost benefit analysis by the city or county to determine whether the cost to collect, transport, and process a material as recyclable, exceeds the costs of disposal; or

(b) An environmental benefit, as determined by the completion of a life-cycle analysis by the city or county that quantifies environmental impacts associated with collecting and processing a material as recyclable.

(3) The process adopted by the department must account for variations between local governments including, but not limited to, the cost of transportation, local disposal fees, and local processors or manufacturers. To designate an item for curbside commingled collection under section 3 of this act, a county or city must conduct an individual review for each proposed item.

(4) The department must review each city or county proposal for consistency with the goal of increasing the statewide consistency of materials accepted by cities and counties in curbside commingled recycling programs.

(5) The department must periodically update the rule adopted under this section.

(6) By January 1, 2021, the department must gather life-cycle analysis and economic data on recyclable materials and other relevant data from existing sources, and make that data available to local governments for purposes of their use in analyses under subsection (2) of this section.

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

(1) The department must convene a stakeholder work group with no more than ten members, consisting only of stakeholders or associations representing the following:

(a) The commission;

(b) The department;

(c) Cities;

(d) Counties;

(e) An operator or operators of permitted municipal solid waste material recovery facilities that accept recyclable material from curbside commingled programs;

(f) Solid waste collection companies regulated under chapter 81.77 RCW; and

(g) Municipal contractors for solid waste collection services under chapter 35.21 RCW.

(2) The department must arrange for the facilitation of, and may participate in, efforts by the stakeholder work group created in subsection (1) of this section that are related to the activities and requirements described in sections 2 through 4 of this act.

(3) The department shall allow comment on the work of the stakeholder work group created in subsection (1) of this section by members of the solid waste management advisory committee.

(4) On December 1, 2020, and each December 1st thereafter until December 1, 2023, the department must submit a report to the legislature consistent with the requirements of RCW 43.01.036. The report must include progress updates and recommendations from the stakeholder work group regarding:

(a) The statewide, coordinated outreach and education campaign for sustainable recycling practices in section 2 of this act; and

(b) Draft rules to establish a process by which local governments can expand acceptable material lists in commingled recycling programs, consistent with sections 3 and 4 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 35.21 RCW to read as follows:

(1) Until January 1, 2024, a city or town may not by ordinance, under the direction of officials and employees of the city or town, through awarding a contract for solid waste and recyclable material collection, or any other means establish or operate a program that provides for the curbside collection of commingled recyclable materials other than those outlined in section 3 of this act. Beginning January 1, 2024, a city may only designate additional recyclable materials in a commingled curbside program pursuant to processes developed by the department of ecology for that purpose under section 4 of this act.

(2)(a) Any provision in a contract for solid waste or recycling services that requires the collection of recyclables from curbside commingled programs that does not comply with sections 3 and 4 of this act is against public policy and the provision is void and unenforceable.

(b) This subsection may not be construed to void any contract provision not related to the implementation of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 35A.21 RCW to read as follows:

(1) Until January 1, 2024, a city or town may not by ordinance, under the direction of officials and employees of the city or town, through awarding a contract for solid waste and recyclable material collection, or any other means establish or operate a program that provides for the curbside collection of commingled recyclable materials other than those outlined in section 3 of this act. Beginning January 1, 2024, a city may only designate additional recyclable materials in a commingled curbside program pursuant to processes developed by the department of ecology for that purpose under section 4 of this act.

(2)(a) Any provision in a contract for solid waste or recycling services that requires the collection of recyclables from curbside commingled programs that does not comply with sections 3 and 4 of this act is against public policy and the provision is void and unenforceable.

(b) This subsection may not be construed to void any contract provision not related to the implementation of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 36.58 RCW to read as follows:

(1) Until January 1, 2024, a county may not by ordinance, under the direction of officials and employees of the county, or through awarding a contract for recyclable material collection, or any other means establish or operate a program that provides for the curbside collection of commingled recyclable materials other than those outlined in section 3 of this act. Beginning January 1, 2024, a county may only designate additional recyclable materials in a commingled curbside program pursuant to processes developed by the department of ecology for that purpose under section 4 of this act.

(2) A county that contracts for the collection of source separated recyclable materials from residences within unincorporated areas must ensure that all billings and customer notifications for rate increases include either:

(a) The cost for each service provided to the customer; or

(b) In the case of a rate that combines several services, a description of all services provided under the cost of that rate.

NEW SECTION. **Sec.**  A new section is added to chapter 35.21 RCW to read as follows:

A city that contracts for the collection of solid waste or recyclable materials or that directly provides such collection services must ensure that all billings and customer notifications for rate increases include either:

(1) The cost for each service provided to the customer; or

(2) In the case of a rate that combines several services, a description of all services provided under the cost of that rate.

NEW SECTION. **Sec.**  A new section is added to chapter 35A.21 RCW to read as follows:

A city that contracts for the collection of solid waste or recyclable materials or that directly provides such collection services must ensure that all billings and customer notifications for rate increases include either:

(1) The cost for each service provided to the customer; or

(2) In the case of a rate that combines several services, a description of all services provided under the cost of that rate.

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

(1) The department must develop a process to keep track of and provide for the transparent management and disposal of collected recyclable materials by:

(a) Permitted material recovery facilities accepting recyclables from curbside commingled recycling programs;

(b) Solid waste collection companies regulated under chapter 81.77 RCW; and

(c) Municipal contractors for solid waste collection services under chapter 35.21 RCW.

(2) An entity referenced in subsection (1)(a) through (c) of this section that transports recyclable materials for disposal may, within twenty-four hours, notify the department and the appropriate city or county solid waste management authority that a material or group of materials:

(a) Cannot be collected, transported, and sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same material or group of materials;

(b) Lack positive market value; or

(c) Pose a risk to safety, human health, or the environment.

(3)(a) The department must grant a waiver to an entity that demonstrates that a material or group of materials meets at least one of the criteria specified in subsection (2)(a) through (c) of this section. To maintain a waiver that has been issued by the department under this subsection, an entity must provide the department with monthly updates that document the quantities and disposal locations of materials subject to the waiver.

(b) The department must grant a waiver that conforms with the requirements of (a) of this subsection within seven days of receiving notice from an entity identified in subsection (1)(a) through (c) of this section. The waiver is effective beginning on the date the department receives notice and covers a material or group of materials for one hundred eighty days.

(c) The department must develop a process to allow an entity to renew a waiver upon its expiration for an additional period of at least one hundred eighty days. Under the renewal process adopted under this section, the department may issue a waiver to an entity for a period exceeding one hundred eighty days if the entity demonstrates that the material or group of materials is likely to continue to meet at least one of the criteria specified in subsection (2)(a) through (c) of this section in the absence of unforeseen developments.

(4) The department must track and make public information regarding all recyclable materials subject to such a waiver.

(5) Recyclable materials covered by a waiver issued by the department may be disposed of in nonobservance of local laws and ordinances. An entity that disposes of recyclable materials covered by a waiver is not subject to fines or any other penalties under local laws or ordinances.

(6)(a) Any provision in a contract for the processing of recyclable materials from curbside commingled recycling programs that would penalize an entity for disposing of recyclable materials covered by a waiver issued by the department is against public policy and the provision is void and unenforceable. The entity may be excused in whole, from any obligation, damage, loss, or liability that results from the recyclable materials transported for disposal pursuant to a waiver issued by the department.

(b) This subsection may not be construed to void any contract provision not related to the implementation of this act.

(7) Nothing in this section prohibits an entity from disposing of wastes or recyclable materials that are not covered by waiver issued under this section. An entity disposing of solid wastes or recyclable materials not covered by a waiver is subject to all applicable state and local laws and regulations.

**Sec.**  RCW 70.95.010 and 2002 c 299 s 3 are each amended to read as follows:

The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) Waste reduction must become a fundamental strategy of solid waste management. It is therefore necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility.

(5) Source separation of waste must become a fundamental strategy of solid waste management. Collection and handling strategies should have, as an ultimate goal, the source separation of all materials with resource value or environmental hazard.

(6)(a) It should be the goal of every person and business to minimize their production of wastes and to separate recyclable or hazardous materials from mixed waste.

(b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically ((~~sound~~)) sustainable. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing mixed municipal solid waste, and recycling programs.

(c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.

(d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and incentives to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities, recognizing the need to provide flexibility to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community; and to provide county and city governments with adequate technical resources to accomplish this responsibility.

(7) Environmental and economic considerations in solving the state's solid waste management problems requires strong consideration by local governments of regional solutions and intergovernmental cooperation.

(8) The following priorities for the collection, handling, and management of solid waste are necessary and should be followed in descending order as applicable:

(a) Waste reduction;

(b) Recycling, with source separation of recyclable materials as the preferred method;

(c) Energy recovery, incineration, or landfill of separated waste;

(d) Energy recovery, incineration, or landfill of mixed municipal solid wastes.

(9) It is the state's goal to ((~~achieve a fifty percent recycling rate by 2007~~)) emphasize sustainable recycling practices, reduce contamination and increase the quality of Washington's recyclables, prioritize real recycling over arbitrary diversion goals and recycling rates, and ensure the long-term economic and environmental sustainability of recycling in Washington.

(10) It is the state's goal that programs be established to eliminate residential or commercial yard debris in landfills by 2012 in those areas where alternatives to disposal are readily available and effective.

(11) Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal.

(12) It is necessary to compile and maintain adequate data on the types and quantities of solid waste that are being generated and to monitor how the various types of solid waste are being managed.

(13) Vehicle batteries should be recycled and the disposal of vehicle batteries into landfills or incinerators should be discontinued.

(14) Excessive and nonrecyclable packaging of products should be avoided.

(15) Comprehensive education should be conducted throughout the state so that people are informed of the need to reduce, source separate, and recycle solid waste.

(16) All governmental entities in the state should set an example by implementing aggressive waste reduction, contamination reduction, and recycling programs at their workplaces and by purchasing products that are made from recycled materials and are recyclable.

(17) To ensure the safe and efficient operations of solid waste disposal facilities, it is necessary for operators and regulators of landfills and incinerators to receive training and certification.

(18) It is necessary to provide adequate funding to all levels of government so that successful waste reduction and recycling programs can be implemented.

(19) The development of stable and expanding markets for recyclable materials is critical to the long-term success of the state's recycling goals. Market development must be encouraged on a state, regional, and national basis to maximize its effectiveness. The state shall assume primary responsibility for the development of a multifaceted market development program to carry out the purposes of ((~~this act~~)) chapter 431, Laws of 1989.

(20) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded tires and other problem wastes with the subsequent conservation of resources and energy.

**Sec.**  RCW 81.80.470 and 2007 c 234 s 91 are each amended to read as follows:

(1) The collection or transportation of recyclable materials from a drop box or recycling buy‑back center, or collection or transportation of recyclable materials by or on behalf of a commercial or industrial generator of recyclable materials to a recycler for use or reclamation is subject to regulation under this chapter.

(2) An entity that provides the collection or transportation of recyclable materials from a drop box or recycling buy-back center, or collection or transportation of recyclable materials by or on behalf of a commercial or industrial generator, must include the cost for each service provided to the generator in all billings and customer notifications for rate increases.

(3) Nothing in this chapter changes RCW 81.77.010(8), to allow any entity, other than a solid waste collection company authorized by the commission or an entity collecting solid waste from a city or town under chapter 35.21 or 35A.21 RCW, to collect solid waste that may incidentally contain recyclable materials.

(4)(a) For the purposes of this section, "recyclable materials" means those solid wastes identified as recyclable material pursuant to a local comprehensive solid waste management plan in accordance with RCW 70.95.110, that are source separated from other wastes for recycling or reuse, including the separation of recyclables from other solid wastes into separate containers with incidental waste not to exceed five percent by weight or volume of the total waste contained within.

(b) The contents of containers that contain both mixed waste and recyclables with incidental waste that exceeds five percent by weight or volume of the total waste contained within are solid waste as defined in chapter 81.77 RCW and must be managed in accordance with the requirements of that chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 81.80 RCW to read as follows:

All sites where recyclable materials are generated and transported for recycling must provide a separate container for nonrecyclable wastes, using collection practices consistent with chapter 70.95 RCW and RCW 81.80.470. The separate container for nonrecyclable wastes must be of a reasonable size for nonrecyclable waste generated on the site, and at a minimum, of sufficient size to contain at least five percent of the total volume of all solid wastes generated at the site.

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

All commercial sites where recyclable materials are generated and transported for recycling must provide a separate container for nonrecyclable wastes, using collection practices consistent with this chapter and RCW 81.80.470. The separate container for nonrecyclable wastes must be of a reasonable size for nonrecyclable waste generated on the site, and at a minimum, of sufficient size to contain at least five percent of the total volume of all solid wastes generated at the site.

**Sec.**  RCW 70.95.130 and 1969 ex.s. c 134 s 13 are each amended to read as follows:

Any county may apply to the department on a form prescribed thereby for financial aid for the preparation of the comprehensive county plan for solid waste management required by RCW 70.95.080. Any city electing to prepare an independent city plan, a joint city plan, or a joint county-city plan for solid waste management for inclusion in the county comprehensive plan may apply for financial aid for such purpose through the county. Every city application for financial aid for planning shall be filed with the county auditor and shall be included as a part of the county's application for financial aid. Any city preparing an independent plan shall provide for disposal sites wholly within its jurisdiction.

The department shall allocate to the counties and cities applying for financial aid for planning, such funds as may be available pursuant to legislative appropriations or from any federal grants for such purpose.

The department shall determine priorities and allocate available funds among the counties and cities applying for aid according to criteria established by regulations of the department considering population, urban development, environmental effects of waste disposal, existing waste handling practices, and the local justification of their proposed expenditures.

The department shall make any cost to counties and cities related to the implementation of this act eligible for financial assistance under any grant or other financial assistance program that provides funding for activities related to the implementation of this chapter.

**Sec.**  RCW 70.95.080 and 2010 c 154 s 2 are each amended to read as follows:

(1) Each county within the state, in cooperation with the various cities located within such county, shall prepare a coordinated, comprehensive solid waste management plan. Such plan may cover two or more counties. The purpose is to plan for solid waste and materials reduction, collection, and handling and management services and programs throughout the state, as designed to meet the unique needs of each county and city in the state. When updating a solid waste management plan developed under this chapter, after June 10, 2010, local comprehensive plans must consider and plan for the following handling methods or services:

(a) Source separation of recyclable materials and products, consistent with sections 3 and 4 of this act, organic materials, and wastes by generators;

(b) Collection of source separated materials;

(c) Handling and proper preparation of materials for reuse or recycling;

(d) Handling and proper preparation of organic materials for composting or anaerobic digestion; and

(e) Handling and proper disposal of nonrecyclable wastes.

(2) When updating a solid waste management plan developed under this chapter, after June 10, 2010, each local comprehensive plan must, at a minimum, consider methods that will be used to address the following:

(a) Construction and demolition waste for recycling or reuse;

(b) Organic material including yard debris, food waste, and food contaminated paper products for composting or anaerobic digestion;

(c) Recoverable paper products for recycling, consistent with sections 3 and 4 of this act;

(d) Metals, glass, and plastics for recycling, consistent with sections 3 and 4 of this act; and

(e) Waste reduction strategies.

(3) Each city shall:

(a) Prepare and deliver to the county auditor of the county in which it is located its plan for its own solid waste management for integration into the comprehensive county plan;

(b) Enter into an agreement with the county pursuant to which the city shall participate in preparing a joint city-county plan for solid waste management; or

(c) Authorize the county to prepare a plan for the city's solid waste management for inclusion in the comprehensive county plan.

(4) Two or more cities may prepare a plan for inclusion in the county plan. With prior notification of its home county of its intent, a city in one county may enter into an agreement with a city in an adjoining county, or with an adjoining county, or both, to prepare a joint plan for solid waste management to become part of the comprehensive plan of both counties.

(5) After consultation with representatives of the cities and counties, the department shall establish a schedule for the development of the comprehensive plans for solid waste management. In preparing such a schedule, the department shall take into account the probable cost of such plans to the cities and counties.

(6) Local governments shall not be required to include a hazardous waste element in their solid waste management plans.

NEW SECTION. **Sec.**  A new section is added to chapter 43.131 RCW to read as follows:

The changes to solid waste management requirements under chapters 35.21, 35A.21, 36.58, 70.95, and 81.80 RCW as established in sections 2 through 17 of this act are terminated July 1, 2024, as provided in section 19 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2025:

(1)RCW 70.95.--- and 2019 c . . . s 2 (section 2 of this act);

(2)RCW 70.95.--- and 2019 c . . . s 3 (section 3 of this act);

(3)RCW 70.95.--- and 2019 c . . . s 4 (section 4 of this act);

(4)RCW 70.95.--- and 2019 c . . . s 5 (section 5 of this act);

(5)RCW 35.21.--- and 2019 c . . . s 6 (section 6 of this act);

(6)RCW 35A.21.--- and 2019 c . . . s 7 (section 7 of this act);

(7)RCW 36.58.--- and 2019 c . . . s 8 (section 8 of this act);

(8)RCW 35.21.--- and 2019 c . . . s 9 (section 9 of this act);

(9)RCW 35A.21.--- and 2019 c . . . s 10 (section 10 of this act);

(10)RCW 70.95.--- and 2019 c . . . s 11 (section 11 of this act);

(11)2019 c . . . s 12 (section 12 of this act);

(12)2019 c . . . s 13 (section 13 of this act);

(13)RCW 81.80.--- and 2019 c . . . s 14 (section 14 of this act);

(14)RCW 70.95.--- and 2019 c . . . s 15 (section 15 of this act);

(15) 2019 c . . . s 16 (section 16 of this act); and

(16) 2019 c . . . s 17 (section 17 of this act).

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**