
SENATE BILL 5854

State of Washington

66th Legislature

2019 Regular Session

By Senators Palumbo, Rivers, Hobbs, Lias, Nguyen, and Wilson, L.

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1 AN ACT Relating to ensuring the long-term economic and
2 environmental sustainability of the state's recycling system within
3 the existing regulatory structure; amending RCW 70.95.010, 81.80.470,
4 70.95.130, and 70.95.080; adding new sections to chapter 70.95 RCW;
5 adding new sections to chapter 35.21 RCW; adding new sections to
6 chapter 35A.21 RCW; adding a new section to chapter 36.58 RCW; adding
7 a new section to chapter 81.80 RCW; adding new sections to chapter
8 43.131 RCW; creating a new section; and declaring an emergency.

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

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

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

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

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

1 Washington, and educate the public regarding the true costs of
2 recycling;

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

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

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

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

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.95
23 RCW to read as follows:

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

28 (1) Reduce contamination of recyclable materials;

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

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

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

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

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

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

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

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

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.95
13 RCW to read as follows:

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

18 (a) Paper, including only:

19 (i) Newspaper, including advertisement and paper inserts;

20 (ii) Magazines and catalogs;

21 (iii) Corrugated cardboard;

22 (iv) Mail, including direct and junk mail;

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

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

27 (b) Metal, including only:

28 (i) Steel or tin cans;

29 (ii) Aluminum cans; and

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

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

39 (a) Paper, including:

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

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

4 (iii) Shredded paper;

5 (b) Metal, including scrap metal;

6 (c) Plastics, including:

7 (i) Any materials consisting of plastics #3-#7, polyvinyl
8 chloride (#3 PVC), low density polyethylene (#4 LDPE), polypropylene
9 (#5 PP), polystyrene (#6 PS), and materials made from other plastic
10 resins (#7 other);

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

13 (iii) Yogurt cups;

14 (iv) Planting or nursery pots;

15 (v) Flower pots; and

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

17 (d) Glass of any type;

18 (e) Other materials, including:

19 (i) Hazardous or medical waste of any type;

20 (ii) Fabric or textiles of any type;

21 (iii) Diapers;

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

23 (v) Wood; and

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

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

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

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

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

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

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

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

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

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

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.95
31 RCW to read as follows:

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

38 (2) For each material proposed for inclusion in a curbside
39 commingled recycling plan or program under section 3 of this act, the

1 process established under this section must require a local
2 government to determine that including a material provides either:

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

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

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

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

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

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

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.95
29 RCW to read as follows:

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

33 (a) The commission;

34 (b) The department;

35 (c) Cities;

36 (d) Counties;

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

1 (f) Solid waste collection companies regulated under chapter
2 81.77 RCW; and

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

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

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

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

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

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

22 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.21
23 RCW to read as follows:

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

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

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

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 35A.21
4 RCW to read as follows:

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

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

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

22 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.58
23 RCW to read as follows:

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

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

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

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

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 35.21
4 RCW to read as follows:

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

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

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

12 NEW SECTION. **Sec. 10.** A new section is added to chapter 35A.21
13 RCW to read as follows:

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

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

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

21 NEW SECTION. **Sec. 11.** A new section is added to chapter 70.95
22 RCW to read as follows:

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

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

28 (b) Solid waste collection companies regulated under chapter
29 81.77 RCW; and

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

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

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

4 (b) Lack positive market value; or

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

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

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

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

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

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

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

1 that results from the recyclable materials transported for disposal
2 pursuant to a waiver issued by the department.

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

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

10 **Sec. 12.** RCW 70.95.010 and 2002 c 299 s 3 are each amended to
11 read as follows:

12 The legislature finds:

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

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

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

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

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

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

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

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

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

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

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

34 (a) Waste reduction;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **Sec. 13.** RCW 81.80.470 and 2007 c 234 s 91 are each amended to
6 read as follows:

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

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

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

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

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

37 NEW SECTION. **Sec. 14.** A new section is added to chapter 81.80
38 RCW to read as follows:

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

9 NEW SECTION. **Sec. 15.** A new section is added to chapter 70.95
10 RCW to read as follows:

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

19 **Sec. 16.** RCW 70.95.130 and 1969 ex.s. c 134 s 13 are each
20 amended to read as follows:

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

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

36 The department shall determine priorities and allocate available
37 funds among the counties and cities applying for aid according to
38 criteria established by regulations of the department considering

1 population, urban development, environmental effects of waste
2 disposal, existing waste handling practices, and the local
3 justification of their proposed expenditures.

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

8 **Sec. 17.** RCW 70.95.080 and 2010 c 154 s 2 are each amended to
9 read as follows:

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

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

23 (b) Collection of source separated materials;

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

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

28 (e) Handling and proper disposal of nonrecyclable wastes.

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

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

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

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

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

1 (e) Waste reduction strategies.

2 (3) Each city shall:

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

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

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

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

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

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

24 NEW SECTION. **Sec. 18.** A new section is added to chapter 43.131
25 RCW to read as follows:

26 The changes to solid waste management requirements under chapters
27 35.21, 35A.21, 36.58, 70.95, and 81.80 RCW as established in sections
28 2 through 17 of this act are terminated July 1, 2024, as provided in
29 section 19 of this act.

30 NEW SECTION. **Sec. 19.** A new section is added to chapter 43.131
31 RCW to read as follows:

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

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

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

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

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

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

- 1 (6) RCW 35A.21.--- and 2019 c . . . s 7 (section 7 of this act);
2 (7) RCW 36.58.--- and 2019 c . . . s 8 (section 8 of this act);
3 (8) RCW 35.21.--- and 2019 c . . . s 9 (section 9 of this act);
4 (9) RCW 35A.21.--- and 2019 c . . . s 10 (section 10 of this
5 act);
6 (10) RCW 70.95.--- and 2019 c . . . s 11 (section 11 of this
7 act);
8 (11) 2019 c . . . s 12 (section 12 of this act);
9 (12) 2019 c . . . s 13 (section 13 of this act);
10 (13) RCW 81.80.--- and 2019 c . . . s 14 (section 14 of this
11 act);
12 (14) RCW 70.95.--- and 2019 c . . . s 15 (section 15 of this
13 act);
14 (15) 2019 c . . . s 16 (section 16 of this act); and
15 (16) 2019 c . . . s 17 (section 17 of this act).

16 NEW SECTION. **Sec. 20.** If any provision of this act or its
17 application to any person or circumstance is held invalid, the
18 remainder of the act or the application of the provision to other
19 persons or circumstances is not affected.

20 NEW SECTION. **Sec. 21.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of
22 the state government and its existing public institutions, and takes
23 effect immediately.

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