

SB 5345 - H COMM AMD

By Committee on Environment & Energy

ADOPTED 04/10/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that industrial
4 symbiosis networks create valuable collaborative opportunities where
5 the underutilized resources of one company, such as waste, by-
6 products, residues, energy, water, logistics, capacity, expertise,
7 equipment, and materials may be used by another. The legislature
8 further finds that many existing businesses and organizations in the
9 state have the potential to partner in the establishment of these
10 networks, and the formation of industrial symbiosis innovation hubs
11 at the state and local level would facilitate a systems approach that
12 identifies business opportunities to improve resource utilization and
13 productivity for a more sustainable and integrated industrial
14 economy.

15 Therefore, the legislature intends to establish a statewide
16 industrial waste coordination program in order to nurture and
17 coordinate existing industrial symbiosis efforts and to catalyze new
18 industrial symbiosis opportunities. Furthermore, the legislature
19 intends to establish the program in order to: Find ways of turning
20 waste and by-products into valued resource inputs; reduce waste
21 management costs; generate new business opportunities; increase the
22 size and diversity of business networks; identify means of improving
23 environmental performance; achieve environmental justice in goals and
24 policies; incentivize pathways to family-wage, green jobs; expand the
25 regional circular economy; and drive innovation.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.31
27 RCW to read as follows:

28 (1) An industrial waste coordination program is established in
29 order to provide expertise, technical assistance, and best practices
30 to support local industrial symbiosis projects.

1 (2) The industrial waste coordination program must be
2 administered by the department of commerce and administered
3 regionally, with each region provided with a dedicated facilitator
4 and technical and administrative support.

5 (3) The industrial waste coordination program must facilitate
6 waste exchange by:

7 (a) Developing inventories of industrial waste innovation
8 currently in operation;

9 (b) Generating a material flow data collection system in order to
10 capture and manage data on resource availability and potential
11 synergies;

12 (c) Establishing guidance and best practices for emerging local
13 industrial resource hubs, which must include a consideration of steps
14 to avoid creating or worsening negative impacts to overburdened
15 communities as identified by tools such as the department of health's
16 environmental health disparities map;

17 (d) Identifying access to capital in order to fund projects,
18 including federal, state, local, and private funding;

19 (e) Developing economic, environmental, and health disparities
20 metrics to measure the results of industrial or commercial hubs;

21 (f) Hosting workshops and connecting regional businesses,
22 governments, utilities, research institutions, and other
23 organizations in order to identify opportunities for resource
24 collaboration;

25 (g) Assisting entities throughout the entire life cycle of
26 industrial symbiosis projects, from identification of opportunities
27 to full project implementation;

28 (h) Developing economic cluster initiatives in order to spur
29 growth and innovation; and

30 (i) Making any additional recommendations to the legislature in
31 order to incentivize and facilitate industrial symbiosis.

32 (4) The department of commerce may coordinate with other
33 agencies, representatives of business and manufacturing networks, and
34 other entities in order to develop material flow generation data and
35 increase multisectoral outreach.

36 (5) In generating the material flow data collection system under
37 subsections (3)(b) and (4) of this section, the department of
38 commerce may only use publicly available data or data voluntarily
39 provided by program participants. No entity may be required to
40 disclose material flow data. The department of commerce must keep any

1 proprietary business information confidential and such information is
2 exempt from public disclosure, as provided in RCW 42.56.270.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.31
4 RCW to read as follows:

5 (1) Subject to the availability of amounts appropriated for this
6 specific purpose, a competitive industrial symbiosis grant program is
7 established in order to provide grants for the research, development,
8 and deployment of local waste coordination projects.

9 (2) Grants may go towards:

10 (a) Existing industrial symbiosis efforts by public or private
11 sector organizations;

12 (b) Emerging industrial symbiosis opportunities involving public
13 or private sector organizations, including projects arising from:

14 (i) The industrial waste coordination program established in
15 section 2 of this act;

16 (ii) Conceptual work completed by public utilities to redirect
17 their wastes to productive use; or

18 (iii) Existing inventories or project concepts involving specific
19 biobased wastes converted to renewable natural gas;

20 (c) Research on product development using a specific waste flow;

21 (d) Feasibility studies to evaluate potential biobased resources;

22 (e) Feasibility studies for publicly owned utilities to evaluate
23 business models to transform to multiutility operations or for the
24 evaluation of potential symbiosis connections with other regional
25 businesses; or

26 (f) Other local waste coordination projects as determined by the
27 department of commerce.

28 (3) The department of commerce must develop a method and criteria
29 for the allocation of grants, subject to the following:

30 (a) Project allocation should reflect geographic diversity, with
31 grants being distributed equally in western and eastern parts of the
32 state, urban and rural areas, and small towns and large cities;

33 (b) Project allocation should consider factors such as time to
34 implementation and scale of economic or environmental benefits;

35 (c) Grants must require a one-to-one nonstate to state match;

36 (d) Individual grant awards may not exceed \$500,000; and

37 (e) Project allocation should avoid creating or worsening
38 environmental health disparities and should make use of tools such as
39 the department of health's environmental health disparities map.

1 **Sec. 4.** RCW 42.56.270 and 2020 c 238 s 11 are each amended to
2 read as follows:

3 The following financial, commercial, and proprietary information
4 is exempt from disclosure under this chapter:

5 (1) Valuable formulae, designs, drawings, computer source code or
6 object code, and research data obtained by any agency within five
7 years of the request for disclosure when disclosure would produce
8 private gain and public loss;

9 (2) Financial information supplied by or on behalf of a person,
10 firm, or corporation for the purpose of qualifying to submit a bid or
11 proposal for (a) a ferry system construction or repair contract as
12 required by RCW 47.60.680 through 47.60.750; (b) highway construction
13 or improvement as required by RCW 47.28.070; or (c) alternative
14 public works contracting procedures as required by RCW 39.10.200
15 through 39.10.905;

16 (3) Financial and commercial information and records supplied by
17 private persons pertaining to export services provided under chapters
18 43.163 and 53.31 RCW, and by persons pertaining to export projects
19 under RCW 43.23.035;

20 (4) Financial and commercial information and records supplied by
21 businesses or individuals during application for loans or program
22 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
23 43.168 RCW, or during application for economic development loans or
24 program services provided by any local agency;

25 (5) Financial information, business plans, examination reports,
26 and any information produced or obtained in evaluating or examining a
27 business and industrial development corporation organized or seeking
28 certification under chapter 31.24 RCW;

29 (6) Financial and commercial information supplied to the state
30 investment board by any person when the information relates to the
31 investment of public trust or retirement funds and when disclosure
32 would result in loss to such funds or in private loss to the
33 providers of this information;

34 (7) Financial and valuable trade information under RCW 51.36.120;

35 (8) Financial, commercial, operations, and technical and research
36 information and data submitted to or obtained by the clean Washington
37 center in applications for, or delivery of, program services under
38 chapter 70.95H RCW;

1 (9) Financial and commercial information requested by the public
2 stadium authority from any person or organization that leases or uses
3 the stadium and exhibition center as defined in RCW 36.102.010;

4 (10)(a) Financial information, including but not limited to
5 account numbers and values, and other identification numbers supplied
6 by or on behalf of a person, firm, corporation, limited liability
7 company, partnership, or other entity related to an application for a
8 horse racing license submitted pursuant to RCW 67.16.260(1)(b),
9 marijuana producer, processor, or retailer license, liquor license,
10 gambling license, or lottery retail license;

11 (b) Internal control documents, independent auditors' reports and
12 financial statements, and supporting documents: (i) Of house-banked
13 social card game licensees required by the gambling commission
14 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted
15 by tribes with an approved tribal/state compact for class III gaming;

16 (c) Valuable formulae or financial or proprietary commercial
17 information records received during a consultative visit or while
18 providing consultative services to a licensed marijuana business in
19 accordance with RCW 69.50.561;

20 (11) Proprietary data, trade secrets, or other information that
21 relates to: (a) A vendor's unique methods of conducting business; (b)
22 data unique to the product or services of the vendor; or (c)
23 determining prices or rates to be charged for services, submitted by
24 any vendor to the department of social and health services or the
25 health care authority for purposes of the development, acquisition,
26 or implementation of state purchased health care as defined in RCW
27 41.05.011;

28 (12)(a) When supplied to and in the records of the department of
29 commerce:

30 (i) Financial and proprietary information collected from any
31 person and provided to the department of commerce pursuant to RCW
32 43.330.050(8); (~~and~~)

33 (ii) Financial or proprietary information collected from any
34 person and provided to the department of commerce or the office of
35 the governor in connection with the siting, recruitment, expansion,
36 retention, or relocation of that person's business and until a siting
37 decision is made, identifying information of any person supplying
38 information under this subsection and the locations being considered
39 for siting, relocation, or expansion of a business; and

1 (iii) Financial or proprietary information collected from any
2 person and provided to the department of commerce pursuant to section
3 2 (3)(b) and (4) of this act;

4 (b) When developed by the department of commerce based on
5 information as described in (a)(i) of this subsection, any work
6 product is not exempt from disclosure;

7 (c) For the purposes of this subsection, "siting decision" means
8 the decision to acquire or not to acquire a site;

9 (d) If there is no written contact for a period of sixty days to
10 the department of commerce from a person connected with siting,
11 recruitment, expansion, retention, or relocation of that person's
12 business, information described in (a)(ii) of this subsection will be
13 available to the public under this chapter;

14 (13) Financial and proprietary information submitted to or
15 obtained by the department of ecology or the authority created under
16 chapter ((70.95N)) 70A.500 RCW to implement chapter ((70.95N))
17 70A.500 RCW;

18 (14) Financial, commercial, operations, and technical and
19 research information and data submitted to or obtained by the life
20 sciences discovery fund authority in applications for, or delivery
21 of, grants under RCW 43.330.502, to the extent that such information,
22 if revealed, would reasonably be expected to result in private loss
23 to the providers of this information;

24 (15) Financial and commercial information provided as evidence to
25 the department of licensing as required by RCW 19.112.110 or
26 19.112.120, except information disclosed in aggregate form that does
27 not permit the identification of information related to individual
28 fuel licensees;

29 (16) Any production records, mineral assessments, and trade
30 secrets submitted by a permit holder, mine operator, or landowner to
31 the department of natural resources under RCW 78.44.085;

32 (17)(a) Farm plans developed by conservation districts, unless
33 permission to release the farm plan is granted by the landowner or
34 operator who requested the plan, or the farm plan is used for the
35 application or issuance of a permit;

36 (b) Farm plans developed under chapter 90.48 RCW and not under
37 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject
38 to RCW 42.56.610 and 90.64.190;

39 (18) Financial, commercial, operations, and technical and
40 research information and data submitted to or obtained by a health

1 sciences and services authority in applications for, or delivery of,
2 grants under RCW 35.104.010 through 35.104.060, to the extent that
3 such information, if revealed, would reasonably be expected to result
4 in private loss to providers of this information;

5 (19) Information gathered under chapter 19.85 RCW or RCW
6 34.05.328 that can be identified to a particular business;

7 (20) Financial and commercial information submitted to or
8 obtained by the University of Washington, other than information the
9 university is required to disclose under RCW 28B.20.150, when the
10 information relates to investments in private funds, to the extent
11 that such information, if revealed, would reasonably be expected to
12 result in loss to the University of Washington consolidated endowment
13 fund or to result in private loss to the providers of this
14 information;

15 (21) Market share data submitted by a manufacturer under RCW
16 (~~(70.95N.190(4))~~) 70A.500.190(4);

17 (22) Financial information supplied to the department of
18 financial institutions, when filed by or on behalf of an issuer of
19 securities for the purpose of obtaining the exemption from state
20 securities registration for small securities offerings provided under
21 RCW 21.20.880 or when filed by or on behalf of an investor for the
22 purpose of purchasing such securities;

23 (23) Unaggregated or individual notices of a transfer of crude
24 oil that is financial, proprietary, or commercial information,
25 submitted to the department of ecology pursuant to RCW
26 90.56.565(1)(a), and that is in the possession of the department of
27 ecology or any entity with which the department of ecology has shared
28 the notice pursuant to RCW 90.56.565;

29 (24) Financial institution and retirement account information,
30 and building security plan information, supplied to the liquor and
31 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and
32 69.50.345, when filed by or on behalf of a licensee or prospective
33 licensee for the purpose of obtaining, maintaining, or renewing a
34 license to produce, process, transport, or sell marijuana as allowed
35 under chapter 69.50 RCW;

36 (25) Marijuana transport information, vehicle and driver
37 identification data, and account numbers or unique access identifiers
38 issued to private entities for traceability system access, submitted
39 by an individual or business to the liquor and cannabis board under
40 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and

1 69.50.345 for the purpose of marijuana product traceability.
2 Disclosure to local, state, and federal officials is not considered
3 public disclosure for purposes of this section;

4 (26) Financial and commercial information submitted to or
5 obtained by the retirement board of any city that is responsible for
6 the management of an employees' retirement system pursuant to the
7 authority of chapter 35.39 RCW, when the information relates to
8 investments in private funds, to the extent that such information, if
9 revealed, would reasonably be expected to result in loss to the
10 retirement fund or to result in private loss to the providers of this
11 information except that (a) the names and commitment amounts of the
12 private funds in which retirement funds are invested and (b) the
13 aggregate quarterly performance results for a retirement fund's
14 portfolio of investments in such funds are subject to disclosure;

15 (27) Proprietary financial, commercial, operations, and technical
16 and research information and data submitted to or obtained by the
17 liquor and cannabis board in applications for marijuana research
18 licenses under RCW 69.50.372, or in reports submitted by marijuana
19 research licensees in accordance with rules adopted by the liquor and
20 cannabis board under RCW 69.50.372;

21 (28) Trade secrets, technology, proprietary information, and
22 financial considerations contained in any agreements or contracts,
23 entered into by a licensed marijuana business under RCW 69.50.395,
24 which may be submitted to or obtained by the state liquor and
25 cannabis board;

26 (29) Financial, commercial, operations, and technical and
27 research information and data submitted to or obtained by the Andy
28 Hill cancer research endowment program in applications for, or
29 delivery of, grants under chapter 43.348 RCW, to the extent that such
30 information, if revealed, would reasonably be expected to result in
31 private loss to providers of this information;

32 (30) Proprietary information filed with the department of health
33 under chapter 69.48 RCW;

34 (31) Records filed with the department of ecology under chapter
35 (~~(70.375)~~) 70A.515 RCW that a court has determined are confidential
36 valuable commercial information under RCW (~~(70.375.130)~~) 70A.515.130;
37 and

38 (32) Unaggregated financial, proprietary, or commercial
39 information submitted to or obtained by the liquor and cannabis board
40 in applications for licenses under RCW 66.24.140 or 66.24.145, or in

1 any reports or remittances submitted by a person licensed under RCW
2 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis
3 board under chapter 66.08 RCW.

4 NEW SECTION. **Sec. 5.** If specific funding for the purposes of
5 this act, referencing this act by bill or chapter number, is not
6 provided by June 30, 2021, in the omnibus appropriations act, this
7 act is null and void."

8 Correct the title.

EFFECT: Creates an industrial waste coordination program, administered by the Department of Commerce (Commerce), to provide expertise, technical assistance, and best practices to support local industrial symbiosis projects. Establishes certain goals for the program, including the achievement of environmental justice in goals and policies.

Creates a competitive industrial symbiosis grant program, subject to the availability of funds, in order to provide grants for the research, development, and deployment of local waste coordination projects. Establishes certain criteria for the program, including that project allocation under the grant program should avoid creating or worsening environmental health disparities, and should make use of the Department of Health's environmental health disparities map.

Requires Commerce to keep any proprietary business information confidential and provides that any such information is exempt from public disclosure under the Public Records Act.

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