

SENATE BILL REPORT

SB 5492

As of January 18, 2022

Title: An act relating to providing for the recycling of wind turbine blades.

Brief Description: Providing for the recycling of wind turbine blades.

Sponsors: Senators Wilson, J., Conway, Das, Lovelett, Lovick, Nguyen, Rolfes, Schoesler and Wellman.

Brief History:

Committee Activity: Environment, Energy & Technology: 1/19/22.

Brief Summary of Bill

- Requires the Department of Ecology to develop guidance for a wind turbine blade stewardship and takeback program by January 1, 2024.
- Prohibits a manufacturer, distributor, retailer, or installer from selling, offering for sale, or installing a wind turbine blade in or into Washington beginning July 1, 2024, unless the manufacturer is included in an approved stewardship plan.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Staff: Angela Kleis (786-7469)

Background: The Department of Ecology (Ecology) oversees stewardship programs for electronics, paint, mercury-containing lights, and solar panels.

According to a U.S. Energy Information Administration report, more than 1700 wind turbines with about 3100 megawatts of capacity make wind power the second-largest contributor to Washington's renewable generation. The state's largest wind farm is located along the Snake River in southeastern Washington and came online in 2012.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: Stewardship and Takeback Program. Ecology must develop guidance for a wind turbine blade stewardship and takeback program (program) to guide manufacturers and stewardship organizations in preparing and implementing a self-directed program to ensure takeback and recycling of wind turbine blades and their components and materials. By January 1, 2023, Ecology must establish a process to develop guidance for stewardship plans (plans) by working with manufacturers and stakeholders. The guidance must be completed by January 1, 2024.

A manufacturer must designate a stewardship organization to act on its behalf in operating and implementing a plan. By January 1, 2024, each stewardship organization must register with Ecology. Each stewardship organization must pay the annual fee and costs as determined by Ecology.

By July 1, 2024, each stewardship organization must submit a plan to Ecology. Approved plans must be implemented within six months of Ecology's approval. A plan must, at a minimum:

- describe how the manufacturer will finance the recycling system;
- accept all wind turbine blades sold in or into Washington;
- provide takeback locations within the regions where wind turbine blades are used;
- identify how stakeholders will receive required information; and
- establish performance goals.

By April 1, 2023, and every April 1st thereafter, Ecology shall determine incurred administrative costs for program implementation that must be recovered by charging every stewardship organization an annual fee based on a prescribed formula. Costs incurred by Ecology from the effective date of this act until April 1, 2023, must be included in the first determination. The sole purpose of the fees is to fund Ecology's costs for administering the program.

Prohibition. Beginning July 1, 2025, no manufacturer, distributor, retailer, or installer may sell, offer for sale, or install a wind turbine blade in or into Washington unless the manufacturer of the wind turbine blade is included in an Ecology approved plan.

Written Warning. Ecology must send a written warning to a manufacturer not participating in a plan informing the manufacturer that it must participate in a plan within 30 days of the notice. Ecology may assess a penalty up to \$10,000 upon a manufacturer for each wind turbine blade sale conducted in or into Washington for which a plan has not been submitted and approved after the initial written warning.

Ecology must send a written warning to a distributor, retailer, or installer that sells or installs a wind turbine blade made by a manufacturer that is not participating in a plan. The written warning must inform the distributor, retailer, or installer that it may no longer sell or install a wind turbine blade if a plan for that brand has not been submitted by the designated stewardship organization and approved by Ecology within 30 days of the notice.

Rulemaking. Ecology is authorized to adopt rules as necessary for the purposes of implementing, administering, and enforcing this act.

Report. Beginning July 1, 2025, and annually thereafter, a manufacturer's designated stewardship organization must provide to Ecology a report for the previous calendar year that documents the implementation of the plan and assesses the achievement of performance goals. The report may include recommendations for modifying the program. The stewardship organization must post the report on a publicly available website.

Alternative Form of Compliance. In lieu of preparing a plan, a manufacturer may participate in a national program for the takeback and recycling of wind turbine blades, if it is substantially equivalent to the intent of Washington's program.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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