

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5345**

Chapter 308, Laws of 2021

67th Legislature  
2021 Regular Session

INDUSTRIAL WASTE COORDINATION PROGRAM

EFFECTIVE DATE: July 25, 2021

Passed by the Senate April 14, 2021  
Yeas 48 Nays 0

DENNY HECK

**President of the Senate**

Passed by the House April 10, 2021  
Yeas 95 Nays 2

Laurie Jinkins

**Speaker of the House of  
Representatives**

Approved May 13, 2021 11:55 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5345** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

**Secretary**

FILED

May 13, 2021

**Secretary of State  
State of Washington**

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**SENATE BILL 5345**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators Brown, Rolfes, Das, Hasegawa, Lovelett, Mullet, Nguyen, Randall, and Rivers

Read first time 01/25/21. Referred to Committee on Environment, Energy & Technology.

1 AN ACT Relating to establishing a statewide industrial waste  
2 coordination program; amending RCW 42.56.270; adding new sections to  
3 chapter 43.31 RCW; and creating new sections.

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

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

17 Therefore, the legislature intends to establish a statewide  
18 industrial waste coordination program in order to nurture and  
19 coordinate existing industrial symbiosis efforts and to catalyze new  
20 industrial symbiosis opportunities. Furthermore, the legislature  
21 intends to establish the program in order to: Find ways of turning

1 waste and by-products into valued resource inputs; reduce waste  
2 management costs; generate new business opportunities; increase the  
3 size and diversity of business networks; identify means of improving  
4 environmental performance; achieve environmental justice in goals and  
5 policies; incentivize pathways to family-wage, green jobs; expand the  
6 regional circular economy; and drive innovation.

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

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

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

16 (3) The industrial waste coordination program must facilitate  
17 waste exchange by:

18 (a) Developing inventories of industrial waste innovation  
19 currently in operation;

20 (b) Generating a material flow data collection system in order to  
21 capture and manage data on resource availability and potential  
22 synergies;

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

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

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

32 (f) Hosting workshops and connecting regional businesses,  
33 governments, utilities, research institutions, and other  
34 organizations in order to identify opportunities for resource  
35 collaboration;

36 (g) Assisting entities throughout the entire life cycle of  
37 industrial symbiosis projects, from identification of opportunities  
38 to full project implementation;

1 (h) Developing economic cluster initiatives in order to spur  
2 growth and innovation; and

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

5 (4) The department of commerce may coordinate with other  
6 agencies, representatives of business and manufacturing networks, and  
7 other entities in order to develop material flow generation data and  
8 increase multisectoral outreach.

9 (5) In generating the material flow data collection system under  
10 subsections (3)(b) and (4) of this section, the department of  
11 commerce may only use publicly available data or data voluntarily  
12 provided by program participants. No entity may be required to  
13 disclose material flow data. The department of commerce must keep any  
14 proprietary business information confidential and such information is  
15 exempt from public disclosure, as provided in RCW 42.56.270.

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

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

22 (2) Grants may go towards:

23 (a) Existing industrial symbiosis efforts by public or private  
24 sector organizations;

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

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

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

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

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

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

35 (e) Feasibility studies for publicly owned utilities to evaluate  
36 business models to transform to multiutility operations or for the  
37 evaluation of potential symbiosis connections with other regional  
38 businesses; or

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

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

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

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

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

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

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

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

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

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

23 (2) Financial information supplied by or on behalf of a person,  
24 firm, or corporation for the purpose of qualifying to submit a bid or  
25 proposal for (a) a ferry system construction or repair contract as  
26 required by RCW 47.60.680 through 47.60.750; (b) highway construction  
27 or improvement as required by RCW 47.28.070; or (c) alternative  
28 public works contracting procedures as required by RCW 39.10.200  
29 through 39.10.905;

30 (3) Financial and commercial information and records supplied by  
31 private persons pertaining to export services provided under chapters  
32 43.163 and 53.31 RCW, and by persons pertaining to export projects  
33 under RCW 43.23.035;

34 (4) Financial and commercial information and records supplied by  
35 businesses or individuals during application for loans or program  
36 services provided by chapters 43.325, 43.163, 43.160, 43.330, and  
37 43.168 RCW, or during application for economic development loans or  
38 program services provided by any local agency;

1 (5) Financial information, business plans, examination reports,  
2 and any information produced or obtained in evaluating or examining a  
3 business and industrial development corporation organized or seeking  
4 certification under chapter 31.24 RCW;

5 (6) Financial and commercial information supplied to the state  
6 investment board by any person when the information relates to the  
7 investment of public trust or retirement funds and when disclosure  
8 would result in loss to such funds or in private loss to the  
9 providers of this information;

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

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

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

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

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

30 (c) Valuable formulae or financial or proprietary commercial  
31 information records received during a consultative visit or while  
32 providing consultative services to a licensed marijuana business in  
33 accordance with RCW 69.50.561;

34 (11) Proprietary data, trade secrets, or other information that  
35 relates to: (a) A vendor's unique methods of conducting business; (b)  
36 data unique to the product or services of the vendor; or (c)  
37 determining prices or rates to be charged for services, submitted by  
38 any vendor to the department of social and health services or the  
39 health care authority for purposes of the development, acquisition,

1 or implementation of state purchased health care as defined in RCW  
2 41.05.011;

3 (12) (a) When supplied to and in the records of the department of  
4 commerce:

5 (i) Financial and proprietary information collected from any  
6 person and provided to the department of commerce pursuant to RCW  
7 43.330.050(8); (~~and~~)

8 (ii) Financial or proprietary information collected from any  
9 person and provided to the department of commerce or the office of  
10 the governor in connection with the siting, recruitment, expansion,  
11 retention, or relocation of that person's business and until a siting  
12 decision is made, identifying information of any person supplying  
13 information under this subsection and the locations being considered  
14 for siting, relocation, or expansion of a business; and

15 (iii) Financial or proprietary information collected from any  
16 person and provided to the department of commerce pursuant to section  
17 2 (3) (b) and (4) of this act;

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

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

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

28 (13) Financial and proprietary information submitted to or  
29 obtained by the department of ecology or the authority created under  
30 chapter (~~(70.95N)~~) 70A.500 RCW to implement chapter (~~(70.95N)~~)  
31 70A.500 RCW;

32 (14) Financial, commercial, operations, and technical and  
33 research information and data submitted to or obtained by the life  
34 sciences discovery fund authority in applications for, or delivery  
35 of, grants under RCW 43.330.502, to the extent that such information,  
36 if revealed, would reasonably be expected to result in private loss  
37 to the providers of this information;

38 (15) Financial and commercial information provided as evidence to  
39 the department of licensing as required by RCW 19.112.110 or  
40 19.112.120, except information disclosed in aggregate form that does

1 not permit the identification of information related to individual  
2 fuel licensees;

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

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

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

13 (18) Financial, commercial, operations, and technical and  
14 research information and data submitted to or obtained by a health  
15 sciences and services authority in applications for, or delivery of,  
16 grants under RCW 35.104.010 through 35.104.060, to the extent that  
17 such information, if revealed, would reasonably be expected to result  
18 in private loss to providers of this information;

19 (19) Information gathered under chapter 19.85 RCW or RCW  
20 34.05.328 that can be identified to a particular business;

21 (20) Financial and commercial information submitted to or  
22 obtained by the University of Washington, other than information the  
23 university is required to disclose under RCW 28B.20.150, when the  
24 information relates to investments in private funds, to the extent  
25 that such information, if revealed, would reasonably be expected to  
26 result in loss to the University of Washington consolidated endowment  
27 fund or to result in private loss to the providers of this  
28 information;

29 (21) Market share data submitted by a manufacturer under RCW  
30 (~~(70.95N.190(4))~~) 70A.500.190(4);

31 (22) Financial information supplied to the department of  
32 financial institutions, when filed by or on behalf of an issuer of  
33 securities for the purpose of obtaining the exemption from state  
34 securities registration for small securities offerings provided under  
35 RCW 21.20.880 or when filed by or on behalf of an investor for the  
36 purpose of purchasing such securities;

37 (23) Unaggregated or individual notices of a transfer of crude  
38 oil that is financial, proprietary, or commercial information,  
39 submitted to the department of ecology pursuant to RCW  
40 90.56.565(1)(a), and that is in the possession of the department of



1 ecology or any entity with which the department of ecology has shared  
2 the notice pursuant to RCW 90.56.565;

3 (24) Financial institution and retirement account information,  
4 and building security plan information, supplied to the liquor and  
5 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and  
6 69.50.345, when filed by or on behalf of a licensee or prospective  
7 licensee for the purpose of obtaining, maintaining, or renewing a  
8 license to produce, process, transport, or sell marijuana as allowed  
9 under chapter 69.50 RCW;

10 (25) Marijuana transport information, vehicle and driver  
11 identification data, and account numbers or unique access identifiers  
12 issued to private entities for traceability system access, submitted  
13 by an individual or business to the liquor and cannabis board under  
14 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and  
15 69.50.345 for the purpose of marijuana product traceability.  
16 Disclosure to local, state, and federal officials is not considered  
17 public disclosure for purposes of this section;

18 (26) Financial and commercial information submitted to or  
19 obtained by the retirement board of any city that is responsible for  
20 the management of an employees' retirement system pursuant to the  
21 authority of chapter 35.39 RCW, when the information relates to  
22 investments in private funds, to the extent that such information, if  
23 revealed, would reasonably be expected to result in loss to the  
24 retirement fund or to result in private loss to the providers of this  
25 information except that (a) the names and commitment amounts of the  
26 private funds in which retirement funds are invested and (b) the  
27 aggregate quarterly performance results for a retirement fund's  
28 portfolio of investments in such funds are subject to disclosure;

29 (27) Proprietary financial, commercial, operations, and technical  
30 and research information and data submitted to or obtained by the  
31 liquor and cannabis board in applications for marijuana research  
32 licenses under RCW 69.50.372, or in reports submitted by marijuana  
33 research licensees in accordance with rules adopted by the liquor and  
34 cannabis board under RCW 69.50.372;

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

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

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

9 (31) Records filed with the department of ecology under chapter  
10 (~~70.375~~) 70A.515 RCW that a court has determined are confidential  
11 valuable commercial information under RCW (~~70.375.130~~) 70A.515.130;  
12 and

13 (32) Unaggregated financial, proprietary, or commercial  
14 information submitted to or obtained by the liquor and cannabis board  
15 in applications for licenses under RCW 66.24.140 or 66.24.145, or in  
16 any reports or remittances submitted by a person licensed under RCW  
17 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis  
18 board under chapter 66.08 RCW.

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

Passed by the Senate April 14, 2021.  
Passed by the House April 10, 2021.  
Approved by the Governor May 13, 2021.  
Filed in Office of Secretary of State May 13, 2021.

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