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2SSB 5591 - H AMD TO REV COMM AMD (5591-2S AMH RUST ANDE1) **599**
ADOPTED 4-19-91

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By Representative Rust, Horn and D. Sommers

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On page 34, after line 12 of the amendment, insert

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"NEW SECTION. **Sec. 402.** A new section is added to chapter
70.95 RCW to read as follows:

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(1) Each local solid waste advisory committee shall conduct
one or more meetings for the purpose of determining how local
private recycling and solid waste collection businesses may
participate in the development and implementation of programs to
collect source separated materials from residences, and to process
and market materials collected for recycling. The meetings shall
include local private recycling businesses, private solid waste
collection companies operating within the jurisdiction, and the
local solid waste planning agencies. The meetings shall be held
during the development of the waste reduction and recycling element
or no later than one year prior to the date that a jurisdiction is
required submit the element under chapter 70.95.110(2) RCW.

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(2) The meeting requirement under subsection (1) of this
section shall apply whenever a city or county develops or amends
the waste reduction and recycling element required under this
chapter. Jurisdictions having approved waste reduction and
recycling elements or having initiated a process for the selection

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1 of a service provider as of the effective date of this act do not
2 have to comply with the requirements of subsection (1) of this
3 section until the next revisions to the waste reduction and
4 recycling element are made or required.

5 (3) After the waste reduction and recycling element is
6 approved by the local legislative authority but before it is
7 submitted to the department for approval, the local solid waste
8 advisory committee shall hold at least one additional meeting to
9 review the element.

10 (4) For the purpose of this section, "private recycling
11 business" means any private for-profit or private not-for-profit
12 business that engages in the processing and marketing of recyclable
13 materials."

14 "NEW SECTION. Sec. 403. A new section is added to chapter
15 81.77 RCW to read as follows:

16 (1) A solid waste collection company collecting recyclable
17 materials from residences shall utilize one or more private
18 recycling businesses when arranging for the processing and
19 marketing of such materials, if the following conditions are met:

20 (a) A recycling business is located within the county at the
21 time the collection program commences or at any time that the solid
22 waste collection company changes its existing processor;

23 (b) A local private recycling business is capable and
24 competent to provide the processing and marketing service; and

25 (c) A local private recycling business offers to pay a price

1 for the recyclable materials which is equal to or greater than the
2 price offered by out-of-county private recyclers, or proposes a
3 charge for the processing and marketing service which is equal to
4 or less than the charge for the service available from an out-of-
5 county private recycler.

6 (2) This section shall not apply to:

7 (a) cities or towns who exercise their authority under RCW
8 81.77.130 to provide residential curbside collection of recyclable
9 materials;

10 (b) a solid waste collection company that is directed by a
11 city, town, or county to utilize a publicly owned recyclable
12 processing facility located within such city, town, or county; or

13 (c) counties which exercise their authority under RCW
14 36.58.040 to contract for the residential curbside collection of
15 source separated recyclables.

16 This section shall not apply to programs for the collection of
17 source separated recyclable materials where rates to implement the
18 programs have been filed with the commission prior to the effective
19 date of this act.

20 (3) For the purposes of this section, "private recycling
21 business" means any private for-profit or private not-for-profit
22 firm that engages in the processing and marketing of recyclable
23 materials.

24 (4) This section is not enforceable by complaint filed with
25 the commission."

1 "NEW SECTION. **Sec. 404.** A new section is added to chapter
2 35.21 RCW to read as follows:

3 (1) Each city or town providing by ordinance or resolution a
4 reduced solid waste collection rate to residents participating in
5 a residential curbside recycling program implemented under RCW
6 70.95.090, may provide a similar reduced rate to residents
7 participating in any other recycling program, if such program is
8 approved by the jurisdiction. Nothing in this section shall be
9 interpreted to reduce the authority of a city to adopt ordinances
10 under RCW 35.21.130(1).

11 (2) For the purposes of this section, "reduced rate" means a
12 residential solid waste collection rate incorporating a rebate,
13 refund, or discount. Reduced rate shall not include residential
14 solid waste collection rate based on the volume or weight of solid
15 waste set out for collection.

16 "NEW SECTION. **Sec. 405.** A new section is added to chapter
17 35A.21 RCW to read as follows:

18 (1) Each city or town providing by ordinance or resolution a
19 reduced solid waste collection rate to residents participating in
20 a residential curbside recycling program implemented under RCW
21 70.95.090, may provide a similar reduced rate to residents
22 participating in any other recycling program, if such program is
23 approved by the jurisdiction. Nothing in this section shall be
24 interpreted to reduce the authority of a city to adopt ordinances

1 under RCW 35.21.130(1).

2 (2) For the purposes of this section, "reduced rate" means a
3 residential solid waste collection rate incorporating a rebate,
4 refund, or discount. Reduced rate shall not include residential
5 solid waste collection rate based on the volume or weight of solid
6 waste set out for collection."

7 "NEW SECTION. **Sec. 406.** A new section is added to chapter
8 81.77 RCW to read as follows:

9 (1) If the commission authorizes a surcharge or reduced rate
10 incentive based on a customer's participation in a company's
11 curbside residential recycling program, customers participating in
12 any other noncurbside recycling program approved by the
13 jurisdiction shall be eligible for such incentives.

14 (2) For the purpose of this section, "reduced rate" means a
15 residential solid waste collection rate incorporating a rebate,
16 refund, or discount. It does not include any residential solid
17 waste collection rate based on the volume or weight of solid waste
18 set out for collection."

19 "NEW SECTION. **Sec. 407.** A new section is added to chapter
20 70.95 RCW to read as follows:

21 (1) No person may divert to personal use any recyclable
22 material placed in a container as part of a recycling program,
23 without the consent of the generator of such recyclable material or

1 the solid waste collection company operating under the authority of
2 a town, city, county, or the utilities and transportation
3 commission, and no person may divert to commercial use any
4 recyclable material placed in a container as part of a recycling
5 program, without the consent of the person owning or operating such
6 container.

7 (2) A violation of subsection (1) of this section is a class
8 1 civil infraction under chapter 7.80 RCW. Each violation of this
9 section shall be a separate infraction."

10 "Sec. 408. RCW 46.61.560 and 1984 c 7 s 72 are each amended
11 to read as follows:

12 (1) Outside of incorporated cities and towns no person may
13 stop, park, or leave standing any vehicle, whether attended or
14 unattended, upon the roadway.

15 (2) Subsection (1) of this section and RCW 46.61.570 and
16 46.61.575 do not apply to the driver of any vehicle that is
17 disabled in such manner and to such extent that it is impossible to
18 avoid stopping and temporarily leaving the vehicle in such
19 position. The driver shall nonetheless arrange for the prompt
20 removal of the vehicle as required by RCW 46.61.590.

21 (3) Subsection (1) of this section does not apply to the
22 driver of a public transit vehicle who temporarily stops the
23 vehicle upon the roadway for the purpose of and while actually
24 engaged in receiving or discharging passengers at a marked transit

1 vehicle stop zone approved by the state department of
2 transportation or a county upon highways under their respective
3 jurisdictions.

4 (4) Subsection (1) of this section and RCW 46.61.570 and
5 46.61.575 do not apply to the driver of a solid waste collection
6 company or recycling company vehicle who temporarily stops the
7 vehicle as close as practical to the right edge of the right-hand
8 shoulder of the roadway or right edge of the roadway if no shoulder
9 exists for the purpose of and while actually engaged in the
10 collection of solid waste or recyclables, or both, under chapters
11 81.77, 35.21, and 35A.21 RCW or by contract under RCW 36.58.030."

12 **2SSB 5591** - H AMD TO ENA COMM AMD
13 By Representative Rust

14 On page 36, line 4 of the title amendment, after "RCW" strike
15 the remainder of the title and insert "46.61.560, 70.93.020,
16 70.93.030, 70.95C.120, 70.95.040, recodifying RCW 19.114.040;
17 repealing RCW 19.114.010, 19.114.020, 19.114.030, 19.114.900,
18 43.131.552, 43.131.554, and 43.31.556; adding a new section to
19 chapter 35.21 RCW; adding a new section to chapter 70.93 RCW;
20 adding a new section to chapter 70.94 RCW; adding new sections to
21 70.95; adding a new section to chapter 70.105 RCW; adding a new
22 section to 81.77 RCW; adding a new section to chapter 82.04 RCW;
23 adding new chapters to Title 70 RCW; creating new sections;
24 prescribing penalties; and declaring an emergency.

EFFECT: Solid waste collection companies are required to use local recycling businesses to process and market recyclable materials collected from residences under certain circumstances. Cities and counties are required to provide incentive rates to residents who recycle at buy-back centers or drop boxes if a similar incentive is offered to residents using a curbside recycling service. It is a civil offense to take, for personal use, recyclable materials or solid waste without permission. Garbage and recycling trucks are exempt from certain parking violations when collecting material. Amends title.