

# SENATE BILL REPORT

## ESSB 6715

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As Passed Senate, February 14, 2000

**Title:** An act relating to recycling and waste reduction.

**Brief Description:** Encouraging recycling and waste reduction.

**Sponsors:** Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Eide, Swecker, Fraser, Costa, Rasmussen, Morton, Patterson, Kline, Jacobsen and Kohl-Welles).

**Brief History:**

**Committee Activity:** Environmental Quality & Water Resources: 2/1/2000, 2/4/2000 [DPS].

Passed Senate, 2/14/2000, 44-4.

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### SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

**Majority Report:** That Substitute Senate Bill No. 6715 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe and Swecker.

**Minority Report:** Do not pass.

Signed by Senators Honeyford and Morton.

**Staff:** Richard Ramsey (786-7412)

**Background:** The Waste Not Washington Act of 1989 established a policy framework for waste reduction, reuse and recycling that included setting a goal for the state to recycle 50 percent by 1995, expansion of local government solid waste planning, conduct of a waste characterization survey, reporting requirements, and regulation of solid waste collection companies.

The Utilities and Transportation Commission (UTC) sets rates for solid waste collection companies. These rates cover all costs of service and a guaranteed rate of return. Currently, 100 percent of the proceeds from the sale of recycled materials is passed back to the residential customers. However, prior to the mid-1990s, solid waste collection companies bore the risk of marketing recycled materials, retaining revenue from positive sales or covering the costs for losses.

Current law authorizes only the UTC to establish rates for solid waste collection companies. A superior court spoke directly to this issue in *King County v. Eastside Disposal*, prohibiting a local government's attempt to establish incentive rates for recycling.

It is generally accepted that the effectiveness of recycling programs ultimately depends on development of markets for recycled content products. State-funded procurement and

construction may provide a stable base for market development. A present, state recycled content requirements reference EPA recycled content standards.

The state's recycling rate reached a high of 39 percent in 1996 and declined to 33 percent in 1997. The Department of Ecology convened a recycling assessment panel to evaluate causes in the recycling rate decline and to recommend responses. The panel's draft report includes recommendations for legislation.

**Summary of Bill:** The Department of General Administration is directed to work with the construction industry to develop guidelines for job-site waste management planning. If recycled content products are used on state-funded construction projects, the product standards administered by GA apply. The recycled content product standards are expanded to apply to post-secondary institutions.

Governments, the private sector and consumers are encouraged to share information to advance product stewardship.

The UTC is required to authorize residential solid waste collection companies to retain up to 30 percent of the revenues from the sale of recycled materials.

The state's 50 percent recycling goal is extended to 2005 and a new goal is created to eliminate yard waste/debris in landfills by 2010.

Local governments are authorized to set waste reduction and recycling incentive rates. Penalties are established for failure to file the recycling report.

The evaluation of the solid waste stream is expanded to include construction, demolition, and land clearing debris, and major organics (biosolids, manure and food-processing wastes).

The Department of Ecology is prohibited from adopting rules to implement best management practices for parts of the waste stream subject to special evaluation.

**Appropriation:** None.

**Fiscal Note:** Requested on January 24, 2000.

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

**Testimony For:** UTC should be directed to allow recycling incentive rates. CTED should put more resources into marketing recycled content products with an emphasis on reverse logistics. The ban on yard waste and the penalties for failure to report are important parts of the bill. A provision should be added for collaborative, non-mandatory product stewardship. Requiring job-site recycling for state-funded construction projects should be supported by standardized forms and training.

**Testimony Against:** None.

**Testified:** PRO: Senator Tracey Eide, prime sponsor; Senator Dan Swecker; Jeff Kelley-Clarke, State Solid Waste Advisory Committee; Janet Nazy, Washington State Recycling

Association; Pete Grogan, Weyerhaeuser; Penny Mabie, City of Olympia; Jenny Bagby, Seattle Public Utilities; Jim Sells, Washington Refuse and Recycling Association; Willy O'Neil, Associated General Contractors.

**House Amendment(s):** The Department of General Administration is directed to work with the construction industry in developing guidelines for job-site waste management planning.

Recycled content product standards are expanded to include building products and materials and strawboard, that has as an ingredient, straw that is the by-product of cereal grain, turf, or grass seed production.

If a construction project receives state funding, any recycled content products used in the project must adhere to the state's product standards.

UTC is required to authorize residential solid waste collection companies to retain 30 percent of the revenues from the sale of recycled materials. This only applies when the solid waste collection companies submit a plan to UTC that demonstrates how the revenues will be used to increase recycling. A termination date for this section of December 31, 2006 is provided.

The deadline for meeting the state's 50 percent recycling goal is extended to 2005, and a new goal is provided for establishing programs to eliminate disposal of yard debris in landfills by 2010.

Local governments are authorized to establish residential collection incentive rate structures to encourage waste reduction and increase recycling. If included in a local solid waste plan, local governments must also adopt ordinances to implement the rate structures, and the UTC may issue rules to implement this section.

The evaluation of the solid waste stream is expanded to include construction, demolition, and land clearing debris, and major organics.

The Department of General Administration is required to develop goals for the use by the state of recycled and environmentally preferred products.