
ENGROSSED SUBSTITUTE SENATE BILL 6715

State of Washington

56th Legislature

2000 Regular Session

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

Read first time 02/04/2000.

1 AN ACT Relating to recycling and waste reduction; amending RCW
2 43.19A.020, 70.95.010, 70.95.030, 70.95.090, 70.95.280, 70.95.290, and
3 70.95.810; adding a new section to chapter 39.04 RCW; adding a new
4 section to chapter 81.77 RCW; creating new sections; and prescribing
5 penalties.

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

7 NEW SECTION. **Sec. 1.** (1) The department of general administration
8 shall work with construction industry organizations to develop
9 guidelines for on-site construction waste management planning. The
10 topics addressed in the planning guidelines shall include, but shall
11 not be limited to:

12 (a) Standards for identifying the type of wastes generated during
13 construction;

14 (b) Methods for analyzing the availability and cost-effectiveness
15 of recycling services for each type of waste;

16 (c) Methods for evaluating construction waste management
17 alternatives given limited recycling services in rural areas of the
18 state;

1 (d) Strategies to maximize reuse and recycling of wastes and
2 minimize landfill disposal; and

3 (e) Standardized formats for on-site construction waste management
4 reporting.

5 (2) By December 15, 2000, the department of general administration
6 shall provide a report to the legislature on the development of the
7 guidelines required by subsection (1) of this section. The report
8 shall include recommendations for incorporating job-site waste
9 management planning and recycling into standard construction industry
10 practice.

11 **Sec. 2.** RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read
12 as follows:

13 (1) The ~~((USEPA))~~ federal product standards, ~~((as now or hereafter~~
14 ~~amended))~~ adopted under 42 U.S.C. Sec. 6962(e) as it exists on the
15 effective date of this act, are adopted as the minimum standards for
16 the state of Washington. These standards shall be implemented for at
17 least the products listed in ~~((a) and (b) of))~~ this subsection ~~((by~~
18 ~~the dates indicated,))~~ unless the director finds that a different
19 standard would significantly increase recycled product availability or
20 competition.

- 21 (a) ~~((By July 1, 1997:~~
22 ~~(i))~~) Paper and paper products;
23 ~~((ii))~~) (b) Organic recovered materials; ~~((and~~
24 ~~(iii))~~) (c) Latex paint products;
25 ~~((b) By July 1, 1997:~~
26 ~~(i))~~) (d) Products for lower value uses containing recycled
27 plastics;
28 ~~((ii))~~) (e) Retread and remanufactured tires;
29 ~~((iii))~~) (f) Lubricating oils;
30 ~~((iv))~~) (g) Automotive batteries;
31 ~~((v))~~) (h) Building ~~((insulation))~~ products and materials;
32 ~~((vi))~~) (i) Panelboard; and
33 ~~((vii))~~) (j) Compost products.

34 (2) The standards required by this section shall be applied to
35 recycled product purchasing by the department ~~((and))~~, other state
36 agencies, and state postsecondary education institutions. The
37 standards may be adopted or applied by any other local government in
38 product procurement. The standards shall provide for exceptions under

1 appropriate circumstances to allow purchases of recycled products that
2 do not meet the minimum content requirements of the standards.

3 NEW SECTION. **Sec. 3.** The legislature encourages city, county, and
4 state governments, the private sector, and consumers to collaborate in
5 sharing information and becoming informed about opportunities for
6 increasing voluntary product stewardship to support the state's
7 recycling goals. For purposes of this section, "product stewardship"
8 means a principle that directs all actors in the life cycle of a
9 product to minimize impacts of that product on the environment.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 39.04 RCW
11 to read as follows:

12 If a construction project receives state public funding, the
13 product standards, as provided in RCW 43.19A.020, shall apply on the
14 recycled content products used in the project.

15 NEW SECTION. **Sec. 5.** A new section is added to chapter 81.77 RCW
16 to read as follows:

17 (1) The commission shall allow a solid waste collection company
18 collecting recyclable materials from residential customers to retain up
19 to thirty percent of the revenue paid to the company for the material
20 if the company submits a plan to the commission that is certified by
21 the appropriate local government authority as being consistent with the
22 local government solid waste plan and that demonstrates how the
23 revenues will be used to increase recycling. The remaining seventy
24 percent of the revenue shall be passed to residential customers served
25 by the company.

26 (2) By December 2, 2003, the commission shall provide a report to
27 the legislature that evaluates:

28 (a) The effectiveness of revenue sharing as an incentive to
29 increase recycling in the state; and

30 (b) The effect of revenue sharing on costs to customers.

31 **Sec. 6.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read
32 as follows:

33 The legislature finds:

34 (1) Continuing technological changes in methods of manufacture,
35 packaging, and marketing of consumer products, together with the

1 economic and population growth of this state, the rising affluence of
2 its citizens, and its expanding industrial activity have created new
3 and ever-mounting problems involving disposal of garbage, refuse, and
4 solid waste materials resulting from domestic, agricultural, and
5 industrial activities.

6 (2) Traditional methods of disposing of solid wastes in this state
7 are no longer adequate to meet the ever-increasing problem. Improper
8 methods and practices of handling and disposal of solid wastes pollute
9 our land, air and water resources, blight our countryside, adversely
10 affect land values, and damage the overall quality of our environment.

11 (3) Considerations of natural resource limitations, energy
12 shortages, economics and the environment make necessary the development
13 and implementation of solid waste recovery and/or recycling plans and
14 programs.

15 (4) Waste reduction must become a fundamental strategy of solid
16 waste management. It is therefore necessary to change manufacturing
17 and purchasing practices and waste generation behaviors to reduce the
18 amount of waste that becomes a governmental responsibility.

19 (5) Source separation of waste must become a fundamental strategy
20 of solid waste management. Collection and handling strategies should
21 have, as an ultimate goal, the source separation of all materials with
22 resource value or environmental hazard.

23 (6)(a) It is the responsibility of every person to minimize his or
24 her production of wastes and to separate recyclable or hazardous
25 materials from mixed waste.

26 (b) It is the responsibility of state, county, and city governments
27 to provide for a waste management infrastructure to fully implement
28 waste reduction and source separation strategies and to process and
29 dispose of remaining wastes in a manner that is environmentally safe
30 and economically sound. It is further the responsibility of state,
31 county, and city governments to monitor the cost-effectiveness and
32 environmental safety of combusting separated waste, processing mixed
33 waste, and recycling programs.

34 (c) It is the responsibility of county and city governments to
35 assume primary responsibility for solid waste management and to develop
36 and implement aggressive and effective waste reduction and source
37 separation strategies.

38 (d) It is the responsibility of state government to ensure that
39 local governments are providing adequate source reduction and

1 separation opportunities and incentives to all, including persons in
2 both rural and urban areas, and nonresidential waste generators such as
3 commercial, industrial, and institutional entities, recognizing the
4 need to provide flexibility to accommodate differing population
5 densities, distances to and availability of recycling markets, and
6 collection and disposal costs in each community; and to provide county
7 and city governments with adequate technical resources to accomplish
8 this responsibility.

9 (7) Environmental and economic considerations in solving the
10 state's solid waste management problems requires strong consideration
11 by local governments of regional solutions and intergovernmental
12 cooperation.

13 (8) The following priorities for the collection, handling, and
14 management of solid waste are necessary and should be followed in
15 descending order as applicable:

16 (a) Waste reduction;

17 (b) Recycling, with source separation of recyclable materials as
18 the preferred method;

19 (c) Energy recovery, incineration, or landfill of separated waste;

20 (d) Energy recovery, incineration, or landfilling of mixed wastes.

21 (9) It is the state's goal to achieve a fifty percent recycling
22 rate by (~~(1995)~~) 2005.

23 (10) It is the state's goal that no residential or commercial yard
24 debris be disposed of in landfills by 2010.

25 (~~(11)~~) Steps should be taken to make recycling at least as affordable
26 and convenient to the ratepayer as mixed waste disposal.

27 (~~(11)~~) (~~(12)~~) It is necessary to compile and maintain adequate data
28 on the types and quantities of solid waste that are being generated and
29 to monitor how the various types of solid waste are being managed.

30 (~~(12)~~) (~~(13)~~) Vehicle batteries should be recycled and the disposal
31 of vehicle batteries into landfills or incinerators should be
32 discontinued.

33 (~~(13)~~) (~~(14)~~) Excessive and nonrecyclable packaging of products
34 should be avoided.

35 (~~(14)~~) (~~(15)~~) Comprehensive education should be conducted
36 throughout the state so that people are informed of the need to reduce,
37 source separate, and recycle solid waste.

38 (~~(15)~~) (~~(16)~~) All governmental entities in the state should set an
39 example by implementing aggressive waste reduction and recycling

1 programs at their workplaces and by purchasing products that are made
2 from recycled materials and are recyclable.

3 ~~((16))~~ (17) To ensure the safe and efficient operations of solid
4 waste disposal facilities, it is necessary for operators and regulators
5 of landfills and incinerators to receive training and certification.

6 ~~((17))~~ (18) It is necessary to provide adequate funding to all
7 levels of government so that successful waste reduction and recycling
8 programs can be implemented.

9 ~~((18))~~ (19) The development of stable and expanding markets for
10 recyclable materials is critical to the long-term success of the
11 state's recycling goals. Market development must be encouraged on a
12 state, regional, and national basis to maximize its effectiveness. The
13 state shall assume primary responsibility for the development of a
14 multifaceted market development program to carry out the purposes of
15 this act.

16 ~~((19))~~ (20) There is an imperative need to anticipate, plan for,
17 and accomplish effective storage, control, recovery, and recycling of
18 discarded tires and other problem wastes with the subsequent
19 conservation of resources and energy.

20 **Sec. 7.** RCW 70.95.030 and 1998 c 36 s 17 are each amended to read
21 as follows:

22 As used in this chapter, unless the context indicates otherwise:

23 (1) "City" means every incorporated city and town.

24 (2) "Commission" means the utilities and transportation commission.

25 (3) "Committee" means the state solid waste advisory committee.

26 (4) "Composted material" means organic solid waste that has been
27 subjected to controlled aerobic degradation at a solid waste facility
28 in compliance with the requirements of this chapter. Natural decay of
29 organic solid waste under uncontrolled conditions does not result in
30 composted material.

31 (5) "Department" means the department of ecology.

32 (6) "Director" means the director of the department of ecology.

33 (7) "Disposal site" means the location where any final treatment,
34 utilization, processing, or deposit of solid waste occurs.

35 (8) "Energy recovery" means a process operating under federal and
36 state environmental laws and regulations for converting solid waste
37 into usable energy and for reducing the volume of solid waste.

1 (9) "Functional standards" means criteria for solid waste handling
2 expressed in terms of expected performance or solid waste handling
3 functions.

4 (10) "Incineration" means a process of reducing the volume of solid
5 waste operating under federal and state environmental laws and
6 regulations by use of an enclosed device using controlled flame
7 combustion.

8 (11) "Jurisdictional health department" means city, county, city-
9 county, or district public health department.

10 (12) "Landfill" means a disposal facility or part of a facility at
11 which solid waste is placed in or on land and which is not a land
12 treatment facility.

13 (13) "Local government" means a city, town, or county.

14 (14) "Modify" means to substantially change the design or
15 operational plans including, but not limited to, removal of a design
16 element previously set forth in a permit application or the addition of
17 a disposal or processing activity that is not approved in the permit.

18 (15) "Multiple family residence" means any structure housing two or
19 more dwelling units.

20 (16) "Person" means individual, firm, association, copartnership,
21 political subdivision, government agency, municipality, industry,
22 public or private corporation, or any other entity whatsoever.

23 (17) "Recyclable materials" means those solid wastes that are
24 separated for recycling or reuse, such as papers, metals, and glass,
25 that are identified as recyclable material pursuant to a local
26 comprehensive solid waste plan. Prior to the adoption of the local
27 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
28 local governments may identify recyclable materials by ordinance from
29 July 23, 1989.

30 (18) "Recycling" means transforming or remanufacturing waste
31 materials into usable or marketable materials for use other than
32 landfill disposal or incineration.

33 (19) "Residence" means the regular dwelling place of an individual
34 or individuals.

35 (20) "Sewage sludge" means a semisolid substance consisting of
36 settled sewage solids combined with varying amounts of water and
37 dissolved materials, generated from a wastewater treatment system, that
38 does not meet the requirements of chapter 70.95J RCW.

1 (21) "Soil amendment" means any substance that is intended to
2 improve the physical characteristics of the soil, except composted
3 material, commercial fertilizers, agricultural liming agents,
4 unmanipulated animal manures, unmanipulated vegetable manures, food
5 wastes, food processing wastes, and materials exempted by rule of the
6 department, such as biosolids as defined in chapter 70.95J RCW and
7 wastewater as regulated in chapter 90.48 RCW.

8 (22) "Solid waste" or "wastes" means all putrescible and
9 nonputrescible solid and semisolid wastes including, but not limited
10 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
11 demolition and construction wastes, abandoned vehicles or parts
12 thereof, and recyclable materials.

13 (23) "Solid waste handling" means the management, storage,
14 collection, transportation, treatment, utilization, processing, and
15 final disposal of solid wastes, including the recovery and recycling of
16 materials from solid wastes, the recovery of energy resources from
17 solid wastes or the conversion of the energy in solid wastes to more
18 useful forms or combinations thereof.

19 (24) "Source separation" means the separation of different kinds of
20 solid waste at the place where the waste originates.

21 (25) "Vehicle" includes every device physically capable of being
22 moved upon a public or private highway, road, street, or watercourse
23 and in, upon, or by which any person or property is or may be
24 transported or drawn upon a public or private highway, road, street, or
25 watercourse, except devices moved by human or animal power or used
26 exclusively upon stationary rails or tracks.

27 (26) "Waste-derived soil amendment" means any soil amendment as
28 defined in this chapter that is derived from solid waste as defined in
29 RCW 70.95.030, but does not include biosolids or biosolids products
30 regulated under chapter 70.95J RCW or wastewaters regulated under
31 chapter 90.48 RCW.

32 (27) "Waste reduction" means reducing the amount or toxicity of
33 waste generated or reusing materials.

34 (28) "Yard debris" means plant material commonly created in the
35 course of maintaining yards and gardens, and through horticulture,
36 gardening, landscaping, or similar activities. Yard debris includes
37 but is not limited to grass clippings, leaves, branches, brush, weeds,
38 flowers, roots, windfall fruit, vegetable garden debris, holiday trees,
39 and tree prunings four inches or less in diameter.

1 **Sec. 8.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to read
2 as follows:

3 Each county and city comprehensive solid waste management plan
4 shall include the following:

5 (1) A detailed inventory and description of all existing solid
6 waste handling facilities including an inventory of any deficiencies in
7 meeting current solid waste handling needs.

8 (2) The estimated long-range needs for solid waste handling
9 facilities projected twenty years into the future.

10 (3) A program for the orderly development of solid waste handling
11 facilities in a manner consistent with the plans for the entire county
12 which shall:

13 (a) Meet the minimum functional standards for solid waste handling
14 adopted by the department and all laws and regulations relating to air
15 and water pollution, fire prevention, flood control, and protection of
16 public health;

17 (b) Take into account the comprehensive land use plan of each
18 jurisdiction;

19 (c) Contain a six year construction and capital acquisition program
20 for solid waste handling facilities; and

21 (d) Contain a plan for financing both capital costs and operational
22 expenditures of the proposed solid waste management system.

23 (4) A program for surveillance and control.

24 (5) A current inventory and description of solid waste collection
25 needs and operations within each respective jurisdiction which shall
26 include:

27 (a) Any franchise for solid waste collection granted by the
28 utilities and transportation commission in the respective jurisdictions
29 including the name of the holder of the franchise and the address of
30 his or her place of business and the area covered by the franchise;

31 (b) Any city solid waste operation within the county and the
32 boundaries of such operation;

33 (c) The population density of each area serviced by a city
34 operation or by a franchised operation within the respective
35 jurisdictions;

36 (d) The projected solid waste collection needs for the respective
37 jurisdictions for the next six years.

38 (6) A comprehensive waste reduction and recycling element that, in
39 accordance with the priorities established in RCW 70.95.010, provides

1 programs that (a) reduce the amount of waste generated, (b) provide
2 incentives and mechanisms for source separation, and (c) establish
3 recycling opportunities for the source separated waste.

4 (7) The waste reduction and recycling element shall include the
5 following:

6 (a) Waste reduction strategies;

7 (b) Source separation strategies, including:

8 (i) Programs for the collection of source separated materials from
9 residences in urban and rural areas. In urban areas, these programs
10 shall include collection of source separated recyclable materials from
11 single and multiple family residences, unless the department approves
12 an alternative program, according to the criteria in the planning
13 guidelines. Such criteria shall include: Anticipated recovery rates
14 and levels of public participation, availability of environmentally
15 sound disposal capacity, access to markets for recyclable materials,
16 unreasonable cost impacts on the ratepayer over the six-year planning
17 period, utilization of environmentally sound waste reduction and
18 recycling technologies, and other factors as appropriate. In rural
19 areas, these programs shall include but not be limited to drop-off
20 boxes, buy-back centers, or a combination of both, at each solid waste
21 transfer, processing, or disposal site, or at locations convenient to
22 the residents of the county. The drop-off boxes and buy-back centers
23 may be owned or operated by public, nonprofit, or private persons;

24 (ii) Programs to monitor the collection of source separated waste
25 at nonresidential sites where there is sufficient density to sustain a
26 program;

27 (iii) Programs to ~~((collect))~~ manage yard ~~((waste, if the county or
28 city submitting the plan finds that there are))~~ debris, including
29 strategies to:

30 (A) Develop collection programs or alternative means for managing
31 yard debris;

32 (B) Eliminate disposal of yard debris in landfills; and

33 (C) Encourage adequate markets or capacity for composted yard
34 ~~((waste))~~ debris within or near the service area to consume ~~((the~~
35 ~~majority of))~~ the material collected; and

36 (iv) Programs to educate and promote the concepts of waste
37 reduction and recycling;

38 (c) Recycling strategies, including a description of markets for
39 recyclables, a review of waste generation trends, a description of

1 waste composition, a discussion and description of existing programs
2 and any additional programs needed to assist public and private sector
3 recycling, and an implementation schedule for the designation of
4 specific materials to be collected for recycling, and for the provision
5 of recycling collection services; and

6 (d) Other information the county or city submitting the plan
7 determines is necessary.

8 (8) County and city comprehensive solid waste management plans may
9 provide for the establishment of residential collection rate structures
10 that provide economic incentives for customers to reduce their level of
11 solid waste collection service and encourage participation in waste
12 reduction, recycling, and yard debris collection programs. All
13 jurisdictions that are signatories to comprehensive solid waste
14 management plans that adopt residential incentive rates shall adopt
15 ordinances to implement rate structures that are consistent with the
16 guidelines in the comprehensive plans. The utilities and
17 transportation commission is authorized to issue rules to implement
18 this section for solid waste collection companies regulated under Title
19 81 RCW.

20 (9) An assessment of the plan's impact on the costs of solid waste
21 collection. The assessment shall be prepared in conformance with
22 guidelines established by the utilities and transportation commission.
23 The commission shall cooperate with the Washington state association of
24 counties and the association of Washington cities in establishing such
25 guidelines.

26 ((+9)) (10) A review of potential areas that meet the criteria as
27 outlined in RCW 70.95.165.

28 **Sec. 9.** RCW 70.95.280 and 1989 c 431 s 13 are each amended to read
29 as follows:

30 The department of ecology shall determine the best management
31 practices for categories of solid waste in accordance with the priority
32 solid waste management methods established in RCW 70.95.010. In order
33 to make this determination, the department shall conduct a
34 comprehensive solid waste stream analysis and evaluation. Following
35 establishment of baseline data resulting from an initial in-depth
36 analysis of the waste stream, the department shall develop a less
37 intensive method of monitoring the disposed waste stream including, but
38 not limited to, changes in the amount of waste generated and waste

1 type. The department shall monitor curbside collection programs and
2 other waste segregation and disposal technologies to determine, to the
3 extent possible, the effectiveness of these programs in terms of cost
4 and participation, their applicability to other locations, and their
5 implications regarding rules adopted under this chapter. Persons who
6 collect solid waste shall annually report to the department the types
7 and quantities of solid waste that are collected and where it is
8 delivered. The department shall adopt guidelines for reporting and for
9 (~~keeping proprietary information confidential~~) maintaining the
10 confidentiality of proprietary information included in the report. By
11 March 1st of each year, entities that collect recycled material shall
12 report their activity from the previous calendar year on a form
13 provided by the department. The department may impose a penalty of one
14 hundred dollars on any entity that fails to submit the required report
15 to the department. The department may impose an additional penalty of
16 one hundred dollars for each day after March 1st that a firm fails to
17 submit the required report. The total penalties for failure to report
18 shall not exceed one thousand dollars. By May 1st of each year, the
19 department may arrange for the publication in recycling and solid waste
20 industry trade publications the names of those entities failing to file
21 the required report. The department shall structure penalties and
22 other sanctions so as to encourage compliance with the annual reporting
23 requirement.

24 **Sec. 10.** RCW 70.95.290 and 1988 c 184 s 3 are each amended to read
25 as follows:

26 (1) The evaluation of the solid waste stream required in RCW
27 70.95.280 shall include the following elements:

28 (a) The department shall determine which management method for each
29 category of solid waste will have the least environmental impact; and

30 (b) The department shall evaluate the costs of various management
31 options for each category of solid waste, including a review of market
32 availability, and shall take into consideration the economic impact on
33 affected parties;

34 (c) Based on the results of (a) and (b) of this subsection, the
35 department shall determine the best management for each category of
36 solid waste. Different management methods for the same categories of
37 waste may be developed for different parts of the state.

1 (2) The department shall give priority to evaluating categories of
2 solid waste that, in relation to other categories of solid waste,
3 comprise a large volume of the solid waste stream or present a high
4 potential of harm to human health. At a minimum the following
5 categories of waste shall be evaluated:

6 (a) By January 1, 1989, yard ~~((waste))~~ debris and other
7 biodegradable materials, paper products, disposable diapers, and
8 batteries; ~~((and))~~

9 (b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid
10 lightweight cellular polystyrene, and tires; and

11 (c) By January 1, 2004, construction, demolition, and land-clearing
12 debris, biosolids, manure, and major food-processing wastes.

13 (3) The department is prohibited from adopting rules that mandate
14 best management practices for the categories of solid waste indentified
15 in subsection (2) of this section.

16 **Sec. 11.** RCW 70.95.810 and 1998 c 245 s 132 are each amended to
17 read as follows:

18 (1) In order to establish the feasibility of composting food and
19 yard ~~((wastes))~~ debris, the department shall provide funds, as
20 available, to local governments submitting a proposal to compost such
21 wastes.

22 (2) The department, in cooperation with the department of
23 community, trade, and economic development, may approve an application
24 if the project can demonstrate the essential parameters for successful
25 composting, including, but not limited to, cost-effectiveness, handling
26 and safety requirements, and current and potential markets.

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