
SUBSTITUTE SENATE BILL 5716

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Environment, Energy & Water (originally sponsored by Senators Eide, Swecker, Fraser, Kline, Jacobsen, Winsley and Kohl-Welles)

READ FIRST TIME 02/26/01.

1 AN ACT Relating to recycling and waste reduction; amending RCW
2 43.19.1905, 43.19A.020, 39.04.133, 70.95.010, 70.95.030, 70.95.090,
3 70.95.280, 70.95.290, and 70.95.810; adding a new section to chapter
4 81.77 RCW; creating new sections; prescribing penalties; and providing
5 an expiration date.

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 commercial and industrial construction industry
9 organizations and recycle and refuse haulers to develop guidelines for
10 implementing on-site construction waste management planning. The
11 topics addressed in the guidelines shall include, but shall not be
12 limited to:

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

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

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

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

3 (e) Standardized formats for on-site construction waste management
4 planning and reporting documents; and

5 (f) A training and technical assistance plan for public and private
6 building owners and construction industry members, in order to
7 facilitate incorporation of waste management planning and recycling
8 into standard construction industry practice.

9 (2) By December 15, 2001, the department of general administration
10 shall provide a report to the legislature on the development of the
11 guidelines required by subsection (1) of this section. The report
12 shall include recommendations for incorporating job-site waste
13 management planning and recycling into standard construction industry
14 practice.

15 **Sec. 2.** RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to
16 read as follows:

17 The director of general administration shall establish overall
18 state policy for compliance by all state agencies, including
19 educational institutions, regarding the following purchasing and
20 material control functions:

21 (1) Development of a state commodity coding system, including
22 common stock numbers for items maintained in stores for reissue;

23 (2) Determination where consolidations, closures, or additions of
24 stores operated by state agencies and educational institutions should
25 be initiated;

26 (3) Institution of standard criteria for determination of when and
27 where an item in the state supply system should be stocked;

28 (4) Establishment of stock levels to be maintained in state stores,
29 and formulation of standards for replenishment of stock;

30 (5) Formulation of an overall distribution and redistribution
31 system for stock items which establishes sources of supply support for
32 all agencies, including interagency supply support;

33 (6) Determination of what function data processing equipment,
34 including remote terminals, shall perform in statewide purchasing and
35 material control for improvement of service and promotion of economy;

36 (7) Standardization of records and forms used statewide for supply
37 system activities involving purchasing, receiving, inspecting, storing,
38 requisitioning, and issuing functions, including a standard

1 notification form for state agencies to report cost-effective direct
2 purchases, which shall at least identify the price of the goods as
3 available through the division of purchasing, the price of the goods as
4 available from the alternative source, the total savings, and the
5 signature of the notifying agency's director or the director's
6 designee;

7 (8) Screening of supplies, material, and equipment excess to the
8 requirements of one agency for overall state need before sale as
9 surplus;

10 (9) Establishment of warehouse operation and storage standards to
11 achieve uniform, effective, and economical stores operations;

12 (10) Establishment of time limit standards for the issuing of
13 material in store and for processing requisitions requiring purchase;

14 (11) Formulation of criteria for determining when centralized
15 rather than decentralized purchasing shall be used to obtain maximum
16 benefit of volume buying of identical or similar items, including
17 procurement from federal supply sources;

18 (12) Development of criteria for use of leased, rather than state
19 owned, warehouse space based on relative cost and accessibility;

20 (13) Institution of standard criteria for purchase and placement of
21 state furnished materials, carpeting, furniture, fixtures, and nonfixed
22 equipment, in newly constructed or renovated state buildings;

23 (14) Determination of how transportation costs incurred by the
24 state for materials, supplies, services, and equipment can be reduced
25 by improved freight and traffic coordination and control;

26 (15) Establishment of a formal certification program for state
27 employees who are authorized to perform purchasing functions as agents
28 for the state under the provisions of chapter 43.19 RCW;

29 (16) Development of performance measures for the reduction of total
30 overall expense for material, supplies, equipment, and services used
31 each biennium by the state;

32 (17) Establishment of a standard system for all state organizations
33 to record and report dollar savings and cost avoidance which are
34 attributable to the establishment and implementation of improved
35 purchasing and material control procedures;

36 (18) Development of procedures for mutual and voluntary cooperation
37 between state agencies, including educational institutions, and
38 political subdivisions for exchange of purchasing and material control
39 services;

1 (19) Resolution of all other purchasing and material matters which
2 require the establishment of overall statewide policy for effective and
3 economical supply management;

4 (20) Development of guidelines and criteria for the purchase of
5 vehicles, alternate vehicle fuels and systems, equipment, and materials
6 that reduce overall energy-related costs and energy use by the state,
7 including the requirement that new passenger vehicles purchased by the
8 state meet the minimum standards for passenger automobile fuel economy
9 established by the United States secretary of transportation pursuant
10 to the energy policy and conservation act (15 U.S.C. Sec. 2002);

11 (21) Development of goals for state use of recycled and
12 environmentally preferable products through specifications for products
13 and services, processes for requests for proposals and requests for
14 qualifications, contractor selection, and contract negotiations.

15 **Sec. 3.** RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read
16 as follows:

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

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

1 (2) By July 1, 2002, the director shall adopt product standards for
2 strawboard manufactured using as an ingredient straw that is produced
3 as a by-product in the production of cereal grain or turf or grass
4 seed.

5 (3) The standards required by this section shall be applied to
6 recycled product purchasing by the department ((and)), other state
7 agencies, and state postsecondary education institutions. The
8 standards may be adopted or applied by any other local government in
9 product procurement. The standards shall provide for exceptions under
10 appropriate circumstances to allow purchases of recycled products that
11 do not meet the minimum content requirements of the standards.

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

19 **Sec. 5.** RCW 39.04.133 and 1996 c 198 s 5 are each amended to read
20 as follows:

21 (1) The state's preferences for the purchase and use of recycled
22 content products shall be included as a factor in the design and
23 development of state capital improvement projects.

24 (2) ~~((Specifications for materials in state construction projects~~
25 ~~shall include the use of recycled content products and recyclable~~
26 ~~products whenever practicable.)) If a construction project receives
27 state public funding, the product standards, as provided in RCW
28 43.19A.020, shall apply to the materials used in the project, whenever
29 the administering agency and project owner determine that such products
30 would be cost-effective and are readily available.~~

31 (3) This section does not apply to contracts entered into by a
32 municipality.

33 NEW SECTION. Sec. 6. A new section is added to chapter 81.77 RCW
34 to read as follows:

35 (1) The legislature finds that it is in the public interest for
36 solid waste collection companies, local governments, and the commission

1 to help increase residential recycling and decrease landfill disposal
2 of recyclable materials by working cooperatively on experimental
3 proposals to identify appropriate materials and services that provide
4 incentives for solid waste collection companies and ratepayers to
5 increase residential recycling.

6 (2) Any solid waste collection company may voluntarily propose to
7 the commission an experimental plan to increase residential recycling.

8 The commission shall approve the plan if the commission finds that:

9 (a) The company has demonstrated the plan is consistent with local
10 solid waste management plans; (b) the plan enhances, supplements, or
11 concerns materials not included in the 2000 household recycling base as
12 determined by the commission; (c) the company has demonstrated that the
13 company, not the ratepayer, bears the cost of implementing the plan
14 during the experimental period; and (d) the plan provides for gathering
15 of necessary data and cooperative effort with local governments and the
16 commission to evaluate results. All revenue earned by the company from
17 implementation of the experimental plan shall be retained by the
18 company.

19 (3) Working cooperatively with solid waste collection companies and
20 local governments, the commission shall evaluate the results of
21 experimental plans described in subsection (2) of this section and
22 shall prepare and submit to the legislature by December 31, 2004, a
23 report on the effectiveness of the plans for increasing residential
24 recycling and decreasing landfill disposal of recyclable materials and
25 identify those plans that could be implemented on a long-term basis.

26 (4) This section expires December 31, 2005.

27 **Sec. 7.** RCW 70.95.010 and 1989 c 431 s 1 are each amended to read
28 as follows:

29 The legislature finds:

30 (1) Continuing technological changes in methods of manufacture,
31 packaging, and marketing of consumer products, together with the
32 economic and population growth of this state, the rising affluence of
33 its citizens, and its expanding industrial activity have created new
34 and ever-mounting problems involving disposal of garbage, refuse, and
35 solid waste materials resulting from domestic, agricultural, and
36 industrial activities.

37 (2) Traditional methods of disposing of solid wastes in this state
38 are no longer adequate to meet the ever-increasing problem. Improper

1 methods and practices of handling and disposal of solid wastes pollute
2 our land, air and water resources, blight our countryside, adversely
3 affect land values, and damage the overall quality of our environment.

4 (3) Considerations of natural resource limitations, energy
5 shortages, economics and the environment make necessary the development
6 and implementation of solid waste recovery and/or recycling plans and
7 programs.

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

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

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

19 (b) It is the responsibility of state, county, and city governments
20 to provide for a waste management infrastructure to fully implement
21 waste reduction and source separation strategies and to process and
22 dispose of remaining wastes in a manner that is environmentally safe
23 and economically sound. It is further the responsibility of state,
24 county, and city governments to monitor the cost-effectiveness and
25 environmental safety of combusting separated waste, processing mixed
26 waste, and recycling programs.

27 (c) It is the responsibility of county and city governments to
28 assume primary responsibility for solid waste management and to develop
29 and implement aggressive and effective waste reduction and source
30 separation strategies.

31 (d) It is the responsibility of state government to ensure that
32 local governments are providing adequate source reduction and
33 separation opportunities and incentives to all, including persons in
34 both rural and urban areas, and nonresidential waste generators such as
35 commercial, industrial, and institutional entities, recognizing the
36 need to provide flexibility to accommodate differing population
37 densities, distances to and availability of recycling markets, and
38 collection and disposal costs in each community; and to provide county

1 and city governments with adequate technical resources to accomplish
2 this responsibility.

3 (7) Environmental and economic considerations in solving the
4 state's solid waste management problems requires strong consideration
5 by local governments of regional solutions and intergovernmental
6 cooperation.

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

10 (a) Waste reduction;

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

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

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

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

17 (10) It is the state's goal that programs be established, where
18 alternatives to disposal are cost-effective and readily available, to
19 eliminate disposal of residential or commercial yard debris in
20 landfills by 2010.

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

23 (~~(11)~~) (12) It is necessary to compile and maintain adequate data
24 on the types and quantities of solid waste that are being generated and
25 to monitor how the various types of solid waste are being managed.

26 (~~(12)~~) (13) Vehicle batteries should be recycled and the disposal
27 of vehicle batteries into landfills or incinerators should be
28 discontinued.

29 (~~(13)~~) (14) Excessive and nonrecyclable packaging of products
30 should be avoided.

31 (~~(14)~~) (15) Comprehensive education should be conducted
32 throughout the state so that people are informed of the need to reduce,
33 source separate, and recycle solid waste.

34 (~~(15)~~) (16) All governmental entities in the state should set an
35 example by implementing aggressive waste reduction and recycling
36 programs at their workplaces and by purchasing products that are made
37 from recycled materials and are recyclable.

1 (~~(16)~~) (17) To ensure the safe and efficient operations of solid
2 waste disposal facilities, it is necessary for operators and regulators
3 of landfills and incinerators to receive training and certification.

4 (~~(17)~~) (18) It is necessary to provide adequate funding to all
5 levels of government so that successful waste reduction and recycling
6 programs can be implemented.

7 (~~(18)~~) (19) The development of stable and expanding markets for
8 recyclable materials is critical to the long-term success of the
9 state's recycling goals. Market development must be encouraged on a
10 state, regional, and national basis to maximize its effectiveness. The
11 state shall assume primary responsibility for the development of a
12 multifaceted market development program to carry out the purposes of
13 this act.

14 (~~(19)~~) (20) There is an imperative need to anticipate, plan for,
15 and accomplish effective storage, control, recovery, and recycling of
16 discarded tires and other problem wastes with the subsequent
17 conservation of resources and energy.

18 **Sec. 8.** RCW 70.95.030 and 1998 c 36 s 17 are each amended to read
19 as follows:

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

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

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

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

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

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

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

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

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

36 (9) "Functional standards" means criteria for solid waste handling
37 expressed in terms of expected performance or solid waste handling
38 functions.

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

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

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

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

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

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

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

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

27 (18) "Recycling" means transforming or remanufacturing waste
28 materials into usable or marketable materials for use other than
29 landfill disposal or incineration.

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

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

36 (21) "Soil amendment" means any substance that is intended to
37 improve the physical characteristics of the soil, except composted
38 material, commercial fertilizers, agricultural liming agents,
39 unmanipulated animal manures, unmanipulated vegetable manures, food

1 wastes, food processing wastes, and materials exempted by rule of the
2 department, such as biosolids as defined in chapter 70.95J RCW and
3 wastewater as regulated in chapter 90.48 RCW.

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

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

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

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

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

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

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

36 **Sec. 9.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to read
37 as follows:

1 Each county and city comprehensive solid waste management plan
2 shall include the following:

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

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

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

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

15 (b) Take into account the comprehensive land use plan of each
16 jurisdiction;

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

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

21 (4) A program for surveillance and control.

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

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

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

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

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

36 (6) A comprehensive waste reduction and recycling element that, in
37 accordance with the priorities established in RCW 70.95.010, provides
38 programs that (a) reduce the amount of waste generated, (b) provide

1 incentives and mechanisms for source separation, and (c) establish
2 recycling opportunities for the source separated waste.

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

5 (a) Waste reduction strategies;

6 (b) Source separation strategies, including:

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

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

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

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

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

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

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

37 (c) Recycling strategies, including a description of markets for
38 recyclables, a review of waste generation trends, a description of
39 waste composition, a discussion and description of existing programs

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

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

7 (8) An assessment of the plan's impact on the costs of solid waste
8 collection. The assessment shall be prepared in conformance with
9 guidelines established by the utilities and transportation commission.
10 The commission shall cooperate with the Washington state association of
11 counties and the association of Washington cities in establishing such
12 guidelines.

13 (9) A review of potential areas that meet the criteria as outlined
14 in RCW 70.95.165.

15 **Sec. 10.** RCW 70.95.280 and 1989 c 431 s 13 are each amended to
16 read as follows:

17 The department of ecology shall determine the best management
18 practices for categories of solid waste in accordance with the priority
19 solid waste management methods established in RCW 70.95.010. In order
20 to make this determination, the department shall conduct a
21 comprehensive solid waste stream analysis and evaluation. Following
22 establishment of baseline data resulting from an initial in-depth
23 analysis of the waste stream, the department shall develop a less
24 intensive method of monitoring the disposed waste stream including, but
25 not limited to, changes in the amount of waste generated and waste
26 type. The department shall monitor curbside collection programs and
27 other waste segregation and disposal technologies to determine, to the
28 extent possible, the effectiveness of these programs in terms of cost
29 and participation, their applicability to other locations, and their
30 implications regarding rules adopted under this chapter. Persons who
31 collect solid waste shall annually report to the department the types
32 and quantities of solid waste that are collected and where it is
33 delivered. The department shall adopt guidelines for reporting and for
34 (~~keeping proprietary information confidential~~) maintaining the
35 confidentiality of proprietary information included in the report. By
36 March 1st of each year, entities that collect recycled material shall
37 report their activity from the previous calendar year on a form
38 provided by the department. The department may impose a penalty of one

1 hundred dollars on any entity that fails to submit the required report
2 to the department. The department may impose an additional penalty of
3 one hundred dollars for each day after March 1st that a firm fails to
4 submit the required report. The total penalties for failure to report
5 shall not exceed one thousand dollars. By May 1st of each year, the
6 department may arrange for the publication in recycling and solid waste
7 industry trade publications the names of those entities failing to file
8 the required report. The department shall structure penalties and
9 other sanctions so as to encourage compliance with the annual reporting
10 requirement.

11 **Sec. 11.** RCW 70.95.290 and 1988 c 184 s 3 are each amended to read
12 as follows:

13 (1) The evaluation of the solid waste stream required in RCW
14 70.95.280 shall include the following elements:

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

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

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

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

30 (a) By January 1, 1989, yard ((waste)) debris and other
31 biodegradable materials, paper products, disposable diapers, and
32 batteries; ((and))

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

35 (c) By January 1, 2004, construction, demolition, and land-clearing
36 debris, electronic waste, manure, and major food-processing wastes.

1 **Sec. 12.** RCW 70.95.810 and 1998 c 245 s 132 are each amended to
2 read as follows:

3 (1) In order to establish the feasibility of composting food and
4 yard ((wastes)) debris, the department shall provide funds, as
5 available, to local governments submitting a proposal to compost such
6 wastes.

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

--- END ---