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SENATE BILL 5716

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State of Washington

57th Legislature

2001 Regular Session

By Senators Eide, Swecker, Fraser, Kline, Jacobsen, Winsley and Kohl-Welles

Read first time 01/31/2001. Referred to Committee on Environment, Energy & Water.

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) If a construction project receives state public funding, the  
10 general construction contractor shall develop and implement an on-site  
11 waste management plan. The plan shall include:

12 (a) An identification of the type and volume of wastes to be  
13 generated during construction;

14 (b) Alternatives to disposing of materials in a landfill, including  
15 the revenues and costs of the alternatives and the costs of disposal in  
16 a landfill; and

17 (c) Strategies to maximize reuse and recycling of wastes and  
18 minimize landfill disposal.

19 (3) Within sixty days of completion of the contract, the contractor  
20 shall file a report with the department of general administration that  
21 includes the volumes of waste generated and how the waste was managed.

22 (4) By December 15, 2001, the department of general administration  
23 shall provide a report to the legislature on the development of the  
24 guidelines required by subsection (1) of this section. The report  
25 shall include recommendations for incorporating job-site waste  
26 management planning and recycling into standard construction industry  
27 practice.

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

30 The director of general administration shall establish overall  
31 state policy for compliance by all state agencies, including  
32 educational institutions, regarding the following purchasing and  
33 material control functions:

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

36 (2) Determination where consolidations, closures, or additions of  
37 stores operated by state agencies and educational institutions should  
38 be initiated;

- 1 (3) Institution of standard criteria for determination of when and  
2 where an item in the state supply system should be stocked;
- 3 (4) Establishment of stock levels to be maintained in state stores,  
4 and formulation of standards for replenishment of stock;
- 5 (5) Formulation of an overall distribution and redistribution  
6 system for stock items which establishes sources of supply support for  
7 all agencies, including interagency supply support;
- 8 (6) Determination of what function data processing equipment,  
9 including remote terminals, shall perform in statewide purchasing and  
10 material control for improvement of service and promotion of economy;
- 11 (7) Standardization of records and forms used statewide for supply  
12 system activities involving purchasing, receiving, inspecting, storing,  
13 requisitioning, and issuing functions, including a standard  
14 notification form for state agencies to report cost-effective direct  
15 purchases, which shall at least identify the price of the goods as  
16 available through the division of purchasing, the price of the goods as  
17 available from the alternative source, the total savings, and the  
18 signature of the notifying agency's director or the director's  
19 designee;
- 20 (8) Screening of supplies, material, and equipment excess to the  
21 requirements of one agency for overall state need before sale as  
22 surplus;
- 23 (9) Establishment of warehouse operation and storage standards to  
24 achieve uniform, effective, and economical stores operations;
- 25 (10) Establishment of time limit standards for the issuing of  
26 material in store and for processing requisitions requiring purchase;
- 27 (11) Formulation of criteria for determining when centralized  
28 rather than decentralized purchasing shall be used to obtain maximum  
29 benefit of volume buying of identical or similar items, including  
30 procurement from federal supply sources;
- 31 (12) Development of criteria for use of leased, rather than state  
32 owned, warehouse space based on relative cost and accessibility;
- 33 (13) Institution of standard criteria for purchase and placement of  
34 state furnished materials, carpeting, furniture, fixtures, and nonfixed  
35 equipment, in newly constructed or renovated state buildings;
- 36 (14) Determination of how transportation costs incurred by the  
37 state for materials, supplies, services, and equipment can be reduced  
38 by improved freight and traffic coordination and control;

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

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

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

11 (18) Development of procedures for mutual and voluntary cooperation  
12 between state agencies, including educational institutions, and  
13 political subdivisions for exchange of purchasing and material control  
14 services;

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

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

25 (21) Development of goals for state use of recycled and  
26 environmentally preferable products through specifications for products  
27 and services, processes for requests for proposals and requests for  
28 qualifications, contractor selection, and contract negotiations.

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

31 (1) The ((USEPA)) federal product standards, ((as now or hereafter  
32 amended)) adopted under 42 U.S.C. Sec. 6962(e) as it exists on the  
33 effective date of this act, are adopted as the minimum standards for  
34 the state of Washington. These standards shall be implemented for at  
35 least the products listed in ((a) and (b) of) this subsection ((by  
36 the dates indicated)), unless the director finds that a different  
37 standard would significantly increase recycled product availability or  
38 competition.

1 (a) (~~By July 1, 1997:~~  
2 ~~(i)~~) Paper and paper products;  
3 (~~(ii)~~) (b) Organic recovered materials; (~~and~~  
4 ~~(iii)~~) (c) Latex paint products;  
5 (~~(b) By July 1, 1997:~~  
6 ~~(i)~~) (d) Products for lower value uses containing recycled  
7 plastics;  
8 (~~(ii)~~) (e) Retread and remanufactured tires;  
9 (~~(iii)~~) (f) Lubricating oils;  
10 (~~(iv)~~) (g) Automotive batteries;  
11 (~~(v)~~) (h) Building (~~(insulation)~~) products and materials;  
12 (~~(vi)~~) (i) Panelboard; and  
13 (~~(vii)~~) (j) Compost products.

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

18 (3) The standards required by this section shall be applied to  
19 recycled product purchasing by the department (~~and~~), other state  
20 agencies, and state postsecondary education institutions. The  
21 standards may be adopted or applied by any other local government in  
22 product procurement. The standards shall provide for exceptions under  
23 appropriate circumstances to allow purchases of recycled products that  
24 do not meet the minimum content requirements of the standards.

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

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

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

1       (2) (~~Specifications for materials in state construction projects~~  
2 ~~shall include the use of recycled content products and recyclable~~  
3 ~~products whenever practicable.~~) If a construction project receives  
4 state public funding, the product standards, as provided in RCW  
5 43.19A.020, shall apply to the materials used in the project, whenever  
6 the administering agency and project owner determine that such products  
7 would be cost-effective and are readily available.

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

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

12       (1) The legislature finds that it is in the public interest for  
13 solid waste collection companies, local governments, and the commission  
14 to help increase residential recycling and decrease landfill disposal  
15 of recyclable materials by working cooperatively on experimental  
16 proposals to identify appropriate materials, services, and rate  
17 structures that provide incentives for solid waste collection companies  
18 and ratepayers to increase residential recycling.

19       (2) Any solid waste collection company may voluntarily propose to  
20 the commission an experimental plan to increase residential recycling.  
21 The commission shall approve the plan if the commission finds that:  
22 (a) The company has demonstrated the plan is consistent with local  
23 solid waste management plans; (b) the plan enhances, supplements, or  
24 concerns materials not included in the 2000 household recycling base as  
25 determined by the commission; (c) the company has demonstrated that the  
26 company, not the ratepayer, bears the cost of implementing the plan  
27 during the experimental period; and (d) the plan provides for gathering  
28 of necessary data and cooperative effort with local governments and the  
29 commission to evaluate results. All revenue earned by the company from  
30 implementation of the experimental plan shall be retained by the  
31 company.

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

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

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

4 The legislature finds:

5 (1) Continuing technological changes in methods of manufacture,  
6 packaging, and marketing of consumer products, together with the  
7 economic and population growth of this state, the rising affluence of  
8 its citizens, and its expanding industrial activity have created new  
9 and ever-mounting problems involving disposal of garbage, refuse, and  
10 solid waste materials resulting from domestic, agricultural, and  
11 industrial activities.

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

17 (3) Considerations of natural resource limitations, energy  
18 shortages, economics and the environment make necessary the development  
19 and implementation of solid waste recovery and/or recycling plans and  
20 programs.

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

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

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

32 (b) It is the responsibility of state, county, and city governments  
33 to provide for a waste management infrastructure to fully implement  
34 waste reduction and source separation strategies and to process and  
35 dispose of remaining wastes in a manner that is environmentally safe  
36 and economically sound. It is further the responsibility of state,  
37 county, and city governments to monitor the cost-effectiveness and

1 environmental safety of combusting separated waste, processing mixed  
2 waste, and recycling programs.

3 (c) It is the responsibility of county and city governments to  
4 assume primary responsibility for solid waste management and to develop  
5 and implement aggressive and effective waste reduction and source  
6 separation strategies.

7 (d) It is the responsibility of state government to ensure that  
8 local governments are providing adequate source reduction and  
9 separation opportunities and incentives to all, including persons in  
10 both rural and urban areas, and nonresidential waste generators such as  
11 commercial, industrial, and institutional entities, recognizing the  
12 need to provide flexibility to accommodate differing population  
13 densities, distances to and availability of recycling markets, and  
14 collection and disposal costs in each community; and to provide county  
15 and city governments with adequate technical resources to accomplish  
16 this responsibility.

17 (7) Environmental and economic considerations in solving the  
18 state's solid waste management problems requires strong consideration  
19 by local governments of regional solutions and intergovernmental  
20 cooperation.

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

24 (a) Waste reduction;

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

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

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

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

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

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

37 (~~(11)~~) (12) It is necessary to compile and maintain adequate data  
38 on the types and quantities of solid waste that are being generated and  
39 to monitor how the various types of solid waste are being managed.



1       (~~(12)~~) (13) Vehicle batteries should be recycled and the disposal  
2 of vehicle batteries into landfills or incinerators should be  
3 discontinued.

4       (~~(13)~~) (14) Excessive and nonrecyclable packaging of products  
5 should be avoided.

6       (~~(14)~~) (15) Comprehensive education should be conducted  
7 throughout the state so that people are informed of the need to reduce,  
8 source separate, and recycle solid waste.

9       (~~(15)~~) (16) All governmental entities in the state should set an  
10 example by implementing aggressive waste reduction and recycling  
11 programs at their workplaces and by purchasing products that are made  
12 from recycled materials and are recyclable.

13       (~~(16)~~) (17) To ensure the safe and efficient operations of solid  
14 waste disposal facilities, it is necessary for operators and regulators  
15 of landfills and incinerators to receive training and certification.

16       (~~(17)~~) (18) It is necessary to provide adequate funding to all  
17 levels of government so that successful waste reduction and recycling  
18 programs can be implemented.

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

26       (~~(19)~~) (20) There is an imperative need to anticipate, plan for,  
27 and accomplish effective storage, control, recovery, and recycling of  
28 discarded tires and other problem wastes with the subsequent  
29 conservation of resources and energy.

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

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

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

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

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

36       (4) "Composted material" means organic solid waste that has been  
37 subjected to controlled aerobic degradation at a solid waste facility  
38 in compliance with the requirements of this chapter. Natural decay of

1 organic solid waste under uncontrolled conditions does not result in  
2 composted material.

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

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

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

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

10 (9) "Functional standards" means criteria for solid waste handling  
11 expressed in terms of expected performance or solid waste handling  
12 functions.

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

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

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

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

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

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

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

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

1 (18) "Recycling" means transforming or remanufacturing waste  
2 materials into usable or marketable materials for use other than  
3 landfill disposal or incineration.

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

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

10 (21) "Soil amendment" means any substance that is intended to  
11 improve the physical characteristics of the soil, except composted  
12 material, commercial fertilizers, agricultural liming agents,  
13 unmanipulated animal manures, unmanipulated vegetable manures, food  
14 wastes, food processing wastes, and materials exempted by rule of the  
15 department, such as biosolids as defined in chapter 70.95J RCW and  
16 wastewater as regulated in chapter 90.48 RCW.

17 (22) "Solid waste" or "wastes" means all putrescible and  
18 nonputrescible solid and semisolid wastes including, but not limited  
19 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,  
20 demolition and construction wastes, abandoned vehicles or parts  
21 thereof, and recyclable materials.

22 (23) "Solid waste handling" means the management, storage,  
23 collection, transportation, treatment, utilization, processing, and  
24 final disposal of solid wastes, including the recovery and recycling of  
25 materials from solid wastes, the recovery of energy resources from  
26 solid wastes or the conversion of the energy in solid wastes to more  
27 useful forms or combinations thereof.

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

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

36 (26) "Waste-derived soil amendment" means any soil amendment as  
37 defined in this chapter that is derived from solid waste as defined in  
38 RCW 70.95.030, but does not include biosolids or biosolids products

1 regulated under chapter 70.95J RCW or wastewaters regulated under  
2 chapter 90.48 RCW.

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

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

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

13 Each county and city comprehensive solid waste management plan  
14 shall include the following:

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

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

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

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

27 (b) Take into account the comprehensive land use plan of each  
28 jurisdiction;

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

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

33 (4) A program for surveillance and control.

34 (5) A current inventory and description of solid waste collection  
35 needs and operations within each respective jurisdiction which shall  
36 include:

37 (a) Any franchise for solid waste collection granted by the  
38 utilities and transportation commission in the respective jurisdictions

1 including the name of the holder of the franchise and the address of  
2 his or her place of business and the area covered by the franchise;

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

5 (c) The population density of each area serviced by a city  
6 operation or by a franchised operation within the respective  
7 jurisdictions;

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

10 (6) A comprehensive waste reduction and recycling element that, in  
11 accordance with the priorities established in RCW 70.95.010, provides  
12 programs that (a) reduce the amount of waste generated, (b) provide  
13 incentives and mechanisms for source separation, and (c) establish  
14 recycling opportunities for the source separated waste.

15 (7) The waste reduction and recycling element shall include the  
16 following:

17 (a) Waste reduction strategies;

18 (b) Source separation strategies, including:

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

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

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

4 (A) Develop collection programs or alternative means for managing  
5 yard debris;

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

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

10 (iv) Programs to educate and promote the concepts of waste  
11 reduction and recycling;

12 (c) Recycling strategies, including a description of markets for  
13 recyclables, a review of waste generation trends, a description of  
14 waste composition, a discussion and description of existing programs  
15 and any additional programs needed to assist public and private sector  
16 recycling, and an implementation schedule for the designation of  
17 specific materials to be collected for recycling, and for the provision  
18 of recycling collection services; and

19 (d) Other information the county or city submitting the plan  
20 determines is necessary.

21 (8) County and city comprehensive solid waste management plans may  
22 provide for the establishment of residential collection rate structures  
23 that provide economic incentives for customers to reduce their level of  
24 solid waste collection service and encourage participation in waste  
25 reduction, recycling, and yard debris collection programs. Counties or  
26 cities pursuing this option shall work with the utilities and  
27 transportation commission and local haulers to develop the rate  
28 structure. Any jurisdictions that are signatories to comprehensive  
29 solid waste management plans that adopt residential incentive rates  
30 shall adopt ordinances to implement rate structures that are consistent  
31 with the guidelines in the comprehensive plans. The utilities and  
32 transportation commission is authorized to issue rules to implement  
33 this section for solid waste collection companies regulated under Title  
34 81 RCW.

35 (9) An assessment of the plan's impact on the costs of solid waste  
36 collection. The assessment shall be prepared in conformance with  
37 guidelines established by the utilities and transportation commission.  
38 The commission shall cooperate with the Washington state association of

1 counties and the association of Washington cities in establishing such  
2 guidelines.

3 ~~((+9))~~ (10) A review of potential areas that meet the criteria as  
4 outlined in RCW 70.95.165.

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

7 The department of ecology shall determine the best management  
8 practices for categories of solid waste in accordance with the priority  
9 solid waste management methods established in RCW 70.95.010. In order  
10 to make this determination, the department shall conduct a  
11 comprehensive solid waste stream analysis and evaluation. Following  
12 establishment of baseline data resulting from an initial in-depth  
13 analysis of the waste stream, the department shall develop a less  
14 intensive method of monitoring the disposed waste stream including, but  
15 not limited to, changes in the amount of waste generated and waste  
16 type. The department shall monitor curbside collection programs and  
17 other waste segregation and disposal technologies to determine, to the  
18 extent possible, the effectiveness of these programs in terms of cost  
19 and participation, their applicability to other locations, and their  
20 implications regarding rules adopted under this chapter. Persons who  
21 collect solid waste shall annually report to the department the types  
22 and quantities of solid waste that are collected and where it is  
23 delivered. The department shall adopt guidelines for reporting and for  
24 ~~((keeping proprietary information confidential))~~ maintaining the  
25 confidentiality of proprietary information included in the report. By  
26 March 1st of each year, entities that collect recycled material shall  
27 report their activity from the previous calendar year on a form  
28 provided by the department. The department may impose a penalty of one  
29 hundred dollars on any entity that fails to submit the required report  
30 to the department. The department may impose an additional penalty of  
31 one hundred dollars for each day after March 1st that a firm fails to  
32 submit the required report. The total penalties for failure to report  
33 shall not exceed one thousand dollars. By May 1st of each year, the  
34 department may arrange for the publication in recycling and solid waste  
35 industry trade publications the names of those entities failing to file  
36 the required report. The department shall structure penalties and  
37 other sanctions so as to encourage compliance with the annual reporting  
38 requirement.

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

3       (1) The evaluation of the solid waste stream required in RCW  
4 70.95.280 shall include the following elements:

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

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

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

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

20       (a) By January 1, 1989, yard ~~((waste))~~ debris and other  
21 biodegradable materials, paper products, disposable diapers, and  
22 batteries; ~~((and))~~

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

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

27       (3) The department is prohibited from adopting rules that mandate  
28 best management practices for the categories of solid waste identified  
29 in subsection (2) of this section.

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

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

36       (2) The department, in cooperation with the department of  
37 community, trade, and economic development, may approve an application  
38 if the project can demonstrate the essential parameters for successful



1 composting, including, but not limited to, cost-effectiveness, handling  
2 and safety requirements, and current and potential markets.

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