

FINAL BILL REPORT

ESSB 5788

C 394 L 05

Synopsis as Enacted

Brief Description: Improving recycling.

Sponsors: Senate Committee on Water, Energy & Environment (originally sponsored by Senators Doumit, Kastama, Mulliken, Haugen, Morton, Poulsen, Pridemore and Berkey).

Senate Committee on Water, Energy & Environment

House Committee on Natural Resources, Ecology & Parks

Background: With certain exceptions, solid waste collection and hauling companies, including those that collect and haul recyclable materials, must have an operating permit issued by the Washington Utilities and Transportation Commission (WUTC).

With certain exceptions, facilities handling solid waste must have a solid waste handling permit issued by a local health department in consultation with the Department of Ecology (DOE). Some recycling facilities are exempt from this requirement.

Concern has been raised that persons falsely claiming to be legitimate recyclers have collected and illegally dumped recyclable materials. It is suggested that more stringent regulation is necessary to prevent this practice and to ensure that recyclable materials diverted from the waste stream for recycling are taken to facilities that genuinely recycle them.

Summary: Generally. Transporters of recyclable materials ("recyclables") from commercial or industrial generators over public highways for compensation who are required to have a WUTC operating permit must register with the DOE prior to transporting recyclables. A transporter may not deliver recyclables for disposal to a solid waste transfer station or landfill.

Recycling facilities that do not hold a solid waste handling permit must notify DOE of their intent to conduct recycling and file annual reports with the agency describing their operations. Facilities handling mixed solid wastes from which recyclables have not been separated may not be exempted from solid waste handling permitting requirements.

Exemptions. Exemptions to the transporter registration requirement are specified for:

- carriers of commercial recyclables owned, bought or sold by carriers, in their own vehicles, in activity incidental to their primary business;
- persons hauling their own or purchased recyclables and transported in their own vehicles;
- city solid waste departments and solid waste contractors;
- WUTC-regulated common carriers whose primary business is not transportation of recyclables; and
- nonprofit or charitable organizations.

Facilities with current solid waste handling permits are exempted from the recycling facility notice and reporting requirement.

Penalties. Civil penalties of up to \$1,000 per violation are provided for:

- transporters that do not register or fail to keep required records, or that deliver recyclables for disposal to a solid waste transfer station or landfill; and
- facilities recycling solid waste that have not obtained a solid waste handling permit, or that fail to notify DOE and local health departments of their intent to conduct recycling (product take-back centers are exempted).

Civil Action. Any person damaged by violations may bring a civil action seeking injunctive relief or damages. The prevailing party is entitled to reasonable costs and attorneys' fees.

Financial Assurance. DOE may adopt regulations establishing financial assurance requirements for recycling facilities, except scrap metal recycling facilities, that are not already subject to financial assurance requirements.

Votes on Final Passage:

Senate	43	6	
House	95	1	(House amended)
Senate	40	6	(Senate concurred)

Effective: July 24, 2005