
SUBSTITUTE HOUSE BILL 2539

State of Washington 61st Legislature 2010 Regular Session

By House Ecology & Parks (originally sponsored by Representative Upthegrove)

READ FIRST TIME 02/02/10.

1 AN ACT Relating to optimizing the collection of source separated
2 materials within the current regulatory structure; amending RCW
3 70.95.080, 70.95.090, 81.77.185, and 35.21.157; adding a new section to
4 chapter 81.77 RCW; and creating new sections.

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

6 NEW SECTION. **Sec. 1.** Increasing available residential curbside
7 service for solid waste, recyclable, and compostable materials provides
8 enumerable public benefits for all of Washington. Not only will
9 increased service provide better system-wide efficiency, but it will
10 also result in job creation, pollution reduction, and energy
11 conservation, all of which serve to improve the quality of life in
12 Washington communities.

13 It is therefore the intent of the legislature that Washington
14 strive to significantly increase current residential recycling rates by
15 2020.

16 **Sec. 2.** RCW 70.95.080 and 1985 c 448 s 17 are each amended to read
17 as follows:

18 (1) Each county within the state, in cooperation with the various

1 cities located within such county, shall prepare a coordinated,
2 comprehensive solid waste management plan. Such plan may cover two or
3 more counties. The purpose is to plan for solid waste and materials
4 reduction, collection, and handling and management services and
5 programs throughout the state, as designed to meet the unique needs of
6 each county and city in the state. One objective of local
7 comprehensive plans is to consider and plan for the following handling
8 methods or services:

9 (a) Source separation of recyclable materials and products, organic
10 materials, and wastes by generators;

11 (b) Collection of source separated materials;

12 (c) Handling and proper preparation of materials for reuse or
13 recycling;

14 (d) Handling and proper preparation of organic materials for
15 composting or anaerobic digestion; and

16 (e) Handling and proper disposal of nonrecyclable wastes.

17 (2) At a minimum, each plan must consider methods that will be used
18 to address the following:

19 (a) Construction and demolition waste for recycling or reuse;

20 (b) Organic material including yard debris, food waste, and food
21 contaminated paper products for composting or anaerobic digestion;

22 (c) Recoverable paper products for recycling;

23 (d) Metals, glass, and plastics for recycling; and

24 (e) Waste reduction strategies.

25 (3) Each city shall:

26 ~~((1))~~ (a) Prepare and deliver to the county auditor of the county
27 in which it is located its plan for its own solid waste management for
28 integration into the comprehensive county plan; ~~((or~~

29 ~~(2))~~ (b) Enter into an agreement with the county pursuant to which
30 the city shall participate in preparing a joint city-county plan for
31 solid waste management; or

32 ~~((3))~~ (c) Authorize the county to prepare a plan for the city's
33 solid waste management for inclusion in the comprehensive county plan.

34 (4) Two or more cities may prepare a plan for inclusion in the
35 county plan. With prior notification of its home county of its intent,
36 a city in one county may enter into an agreement with a city in an
37 adjoining county, or with an adjoining county, or both, to prepare a

1 joint plan for solid waste management to become part of the
2 comprehensive plan of both counties.

3 (5) After consultation with representatives of the cities and
4 counties, the department shall establish a schedule for the development
5 of the comprehensive plans for solid waste management. In preparing
6 such a schedule, the department shall take into account the probable
7 cost of such plans to the cities and counties.

8 (6) Local governments shall not be required to include a hazardous
9 waste element in their solid waste management plans.

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

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

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

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

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

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

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

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

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

32 (4) A program for surveillance and control.

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

36 (a) Any franchise for solid waste collection granted by the

1 utilities and transportation commission in the respective jurisdictions
2 including the name of the holder of the franchise and the address of
3 his or her place of business and the area covered by the franchise;

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

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

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

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

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

18 (a) Waste reduction strategies;

19 (b) Source separation strategies, including:

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

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

1 (iii) Programs to collect yard waste, if the county or city
2 submitting the plan finds that there are adequate markets or capacity
3 for composted yard waste within or near the service area to consume the
4 majority of the material collected; and

5 (iv) Programs to educate and promote the concepts of waste
6 reduction and recycling;

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

14 (d) Other information the county or city submitting the plan
15 determines is necessary.

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

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

24 (10) A financial assistance program for services provided to low-
25 income customers. The county has discretion to determine the
26 appropriate parameters of this financial assistance program and to what
27 income levels it should be directed. Rural counties are exempt from
28 this subsection. For purposes of this subsection, "rural county" means
29 a county with a population density of less than one hundred persons per
30 square mile or a county smaller than two hundred twenty-five square
31 miles as determined by the office of financial management.

32 **Sec. 4.** RCW 81.77.185 and 2002 c 299 s 6 are each amended to read
33 as follows:

34 (1) The commission shall allow solid waste collection companies
35 collecting recyclable materials to retain up to (~~thirty~~) fifty
36 percent of the revenue paid to the companies for the material if the
37 companies submit a plan to the commission that is certified by the

1 appropriate local government authority as being consistent with the
2 local government solid waste plan and that demonstrates how the
3 revenues will be used to increase recycling. The remaining revenue
4 shall be passed to residential customers.

5 (2) By December 2, 2005, the commission shall provide a report to
6 the legislature that evaluates:

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

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

10 **Sec. 5.** RCW 35.21.157 and 1994 c 161 s 2 are each amended to read
11 as follows:

12 (1) A city that contracts for the collection of solid waste, or
13 provides for the collection of solid waste directly, shall notify the
14 public of each proposed rate increase for a solid waste handling
15 service. The notice may be mailed to each affected ratepayer or
16 published once a week for two consecutive weeks in a newspaper of
17 general circulation in the collection area. The notice shall be
18 available to affected ratepayers at least forty-five days prior to the
19 proposed effective date of the rate increase.

20 (2) Each city that contracts for the collection of solid waste,
21 recycling, or organic waste or provides for the collection of solid
22 waste, recycling, or organic waste directly, shall offer a financial
23 assistance program for services provided to low-income customers. The
24 city has discretion to determine the appropriate parameters of this
25 financial assistance program and to what income levels it should be
26 directed. Cities located within rural counties are exempt from this
27 subsection. For purposes of this subsection, "rural county" means a
28 county with a population density of less than one hundred persons per
29 square mile or a county smaller than two hundred twenty-five square
30 miles as determined by the office of financial management.

31 (3) For purposes of this section, "solid waste handling" has the
32 same meaning as provided in RCW 70.95.030.

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

35 Upon request of a county, the commission may approve rates,
36 charges, or services at a discount for low-income senior customers and

1 low-income customers, as adopted by the county in its comprehensive
2 solid waste management plan. Expenses and lost revenues as a result of
3 these discounts must be included in the company's cost of service and
4 recovered in rates to other customers.

5 NEW SECTION. **Sec. 7.** Nothing in this act changes or limits the
6 authority of the Washington utilities and transportation commission to
7 regulate collection of solid waste, including curbside collection of
8 residential recyclable materials, nor does this act change or limit the
9 authority of a city or town to provide such service itself or by
10 contract under RCW 81.77.020.

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