

CERTIFICATION OF ENROLLMENT  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2539

61st Legislature  
2010 Regular Session

Passed by the House February 15, 2010  
Yeas 96 Nays 1

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**Speaker of the House of Representatives**

Passed by the Senate March 5, 2010  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2539** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2539

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Passed Legislature - 2010 Regular Session

State of Washington                      61st Legislature                      2010 Regular Session

By House Ways & Means (originally sponsored by Representative Upthegrove)

READ FIRST TIME 02/09/10.

1            AN ACT Relating to optimizing the collection of source separated  
2 materials within the current regulatory structure; amending RCW  
3 70.95.080 and 81.77.185; adding a new section to chapter 81.77 RCW; and  
4 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. When updating a solid waste  
7 management plan developed under this chapter, after the effective date  
8 of this section, local comprehensive plans must consider and plan for  
9 the following handling methods or services:

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

12 (b) Collection of source separated materials;

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

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

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

18 (2) When updating a solid waste management plan developed under  
19 this chapter, after the effective date of this section, each local  
20 comprehensive plan must, at a minimum, consider methods that will be  
21 used to address the following:

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

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

25 (c) Recoverable paper products for recycling;

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

27 (e) Waste reduction strategies.

28 (3) Each city shall:

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

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

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

37 (4) Two or more cities may prepare a plan for inclusion in the  
38 county plan. With prior notification of its home county of its intent,

1 a city in one county may enter into an agreement with a city in an  
2 adjoining county, or with an adjoining county, or both, to prepare a  
3 joint plan for solid waste management to become part of the  
4 comprehensive plan of both counties.

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

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

12 **Sec. 3.** RCW 81.77.185 and 2002 c 299 s 6 are each amended to read  
13 as follows:

14 (1) The commission shall allow solid waste collection companies  
15 collecting recyclable materials to retain up to (~~thirty~~) fifty  
16 percent of the revenue paid to the companies for the material if the  
17 companies submit a plan to the commission that is certified by the  
18 appropriate local government authority as being consistent with the  
19 local government solid waste plan and that demonstrates how the  
20 revenues will be used to increase recycling. The remaining revenue  
21 shall be passed to residential customers.

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

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

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

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 81.77 RCW  
28 to read as follows:

29 Upon request of a county, the commission may approve rates,  
30 charges, or services at a discount for low-income senior customers and  
31 low-income customers, as adopted by the county in its comprehensive  
32 solid waste management plan. Expenses and lost revenues as a result of  
33 these discounts must be included in the company's cost of service and  
34 recovered in rates to other customers.

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

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