

# HOUSE BILL REPORT

## EHB 2400

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### As Passed Legislature

**Title:** An act relating to clarifying that the provisions of chapter 70.95 RCW do not apply to steel slag that is a product of production in the electric arc steel-making process and is managed as an item of commercial value and placed in commerce.

**Brief Description:** Clarifying that the provisions of chapter 70.95 RCW do not apply to steel slag that is a product of production in the electric arc steel-making process and is managed as an item of commercial value and placed in commerce.

**Sponsors:** Representatives Fitzgibbon and Tarleton.

### Brief History:

#### Committee Activity:

Environment: 1/19/16, 1/28/16 [DP].

#### Floor Activity:

Passed House: 2/11/16, 96-0.

Passed Senate: 3/1/16, 47-0.

Passed Legislature.

### Brief Summary of Engrossed Bill

- Exempts slag generated during electric arc steel production and used for commercial purposes from solid waste management requirements.

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### HOUSE COMMITTEE ON ENVIRONMENT

**Majority Report:** Do pass. Signed by 11 members: Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye, Farrell, Fey, Goodman, McBride, Pike and Taylor.

**Staff:** Jacob Lipson (786-7196).

### Background:

Under the state's solid waste management laws, jurisdictional health departments are the primary government entity responsible for implementing state solid waste management

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requirements, although the Department of Ecology (ECY) also has certain roles in overseeing the administration of solid waste management laws. Facilities that manage, generate, store, or otherwise handle solid wastes are required to obtain a solid waste permit from the local jurisdictional health department. The jurisdictional health department may charge reasonable fees associated with permit application review. Permits must be renewed every five years, and are evaluated by jurisdictional health departments for consistency with the local solid waste management plan. The issuance of solid waste permits by jurisdictional health departments is reviewed by the ECY. Certain storage, collection, and transportation standards apply to solid wastes temporarily stored at solid waste handling facilities, and jurisdictional health departments inspect permitted facilities at least once per year.

Solid waste rules adopted by the ECY treat industrial wastes as a type of solid waste, although certain materials are explicitly excluded from coverage under state solid waste laws, such as hazardous wastes subject to other state regulation, timber harvest residues, and mined rock materials being returned into a mine. Inert wastes, including glass and stainless steel, and solid wastes that are being recycled are exempt from the requirement to obtain a solid waste handling permit, so long as certain other management conditions for the materials are met. The ECY may adopt rules exempting categories of solid waste handling facilities that it determines to present little environmental risk and that meet environmental protection and performance standards that are required of other solid waste facilities. State solid waste management laws also establish a process by which an applicant can apply to the ECY for a beneficial use determination related to a substance that would otherwise be subject to solid waste regulations. If the ECY makes a beneficial use determination for a substance for a particular use, that substance is exempt from complying with the requirement to obtain a solid waste permit. However, the person responsible for the substance must continue to manage the solid waste consistent with conditions attached by the ECY to the beneficial use determination.

Steel is manufactured from raw materials including iron ore and coke, which is a product formed from the carbonization of coal at high temperatures in an oxygen-deficient environment. By contrast, steel produced from scrap metals typically uses an electric arc process, where batches of scrap steel, iron, and other metal materials are rendered molten through the application of electric current between electrodes in a furnace, often supplemented by inputs of natural gas and oxygen. The resultant molten steel is then further refined through the addition of alloys, casted, and then finished. During the electric arc steelmaking processes, slag is the product of the oxidation of molten metallic compounds, such as calcium, iron, silicon, and manganese that are not incorporated into the steel product, as well as sulfur and phosphorus. Slag from steel production is sometimes used in various commercial applications, including in the manufacture of cement, concrete, glass, and other construction materials.

### **Summary of Engrossed Bill:**

Steel slag that is a primary product from electric arc steelmaking processes is not required to be managed under state solid waste management requirements, so long as the steel slag is produced to specification, managed as having commercial value, and is placed in commerce for public consumption. Steel slag that is placed in the solid waste stream, abandoned, or discarded is not exempt from solid waste management requirements.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Steel slag is produced to meet specific engineering standards for use in construction. Steel mills intentionally make slag as a commercial product. Steel slag is a substitute for naturally mined aggregate, and is produced and sold by many steel mills. There is confusion about how steel slag should be treated in other states because of the misperception that the term slag can only refer to waste byproducts. Materials that are managed as commodities and that have commercial value should not be considered solid waste. The question of what should constitute solid waste is overdue, although this bill is not the correct venue for that broader issue to be decided.

(Opposed) None.

(Other) Steel slag is a product, and is not placed into the garbage. It should not be considered a waste under current law, and therefore this bill is not necessary. The bill should be kept narrow to address steel slag commercial uses.

**Persons Testifying:** (In support) Representative Fitzgibbon, prime sponsor; Brad Boswell, Pat Jablonski, and Bart Kale, Nucor Steel; and Holly Chisa, Institute of Scrap Recycling Industries.

(Other) Vicki Christophersen, Washington Refuse and Recycling Association.

**Persons Signed In To Testify But Not Testifying:** None.