

SENATE BILL REPORT

SB 6521

As of February 1, 2016

Title: An act relating to clarifying the application of chapter 81.77 RCW as it relates to recyclable materials collected from residential sources.

Brief Description: Clarifying the application of chapter 81.77 RCW as it relates to recyclable materials collected from residential sources.

Sponsors: Senators Ericksen and Chase.

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 2/02/16.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Staff: Jan Odano (786-7486)

Background: Local governments have the primary responsibility to manage solid waste. Each county must prepare a coordinated, comprehensive solid waste management plan and adopt regulations or ordinances to implement the plan. The plan must include solid waste handling, recovery, and recycling that can be integrated into the comprehensive county plan. The waste reduction and recycling element must include waste-reduction and source-separation strategies as well as the levels of service provided.

The Department of Ecology (Ecology) reviews and approves locally issued permits and solid waste management plans, and defines minimum functional standards for all types of solid waste facilities. The regulations must address storage, collection, transportation, and treatment.

The Utilities and Transportation Commission (UTC) reviews the preliminary draft comprehensive solid waste management plan to assess the cost of solid waste collection and its impacts on rates charged by regulated solid waste collection companies. The UTC provides advice on the probable effects of the plan's recommendations. The UTC requires a company to prove its proposed rates are fair, just, reasonable, and sufficient through detailed financial and operational data. The company is entitled to recover appropriate expenses and a reasonable profit. The rates are based on service by categories such as residential garbage, residential recycling, yard waste, commercial garbage, drop box, etc.; as well as by level of service - whether a residential customer uses a micro can, mini can, one can, etc.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The UTC regulates haulers transporting solid waste, garbage, and recyclables from residential sites. The certificate to transport garbage and recyclables sets the geographic areas in which the company is authorized to collect waste. Commercial and industrial recycling is not regulated by the UTC.

However, all transporters of recyclable materials, or recyclables, must register with Ecology. A transporter of recyclables is defined as: "anyone who is paid to transport recyclable material from commercial or industrial sources over the public highways of this state, and who is required to have a common carrier's permit from the UTC to operate." Transporters of recyclables from commercial or industrial generators over public highways for compensation who are required to have a UTC operating permit must register with Ecology prior to transporting recyclables. A transporter may not deliver recyclables for disposal to a solid waste transfer station or landfill.

Transporters do not include:

- carriers of recyclable materials that they own or are buying or selling, and carrying in their own vehicle, as long as this activity is only incidental to their primary business;
- entities or persons hauling their own recyclables, or recyclables they purchased, in their own vehicles;
- nonprofit or charitable organizations collecting and transporting recyclable materials from a buyback center, a drop box, or a commercial or industrial source of recyclable materials;
- city municipal solid waste departments or city solid waste contractors; or
- common carriers whose primary business is not the transport of recyclable materials.

Summary of Bill: A recycling company or non-profit may pick-up recyclable materials in residential areas on a non-routine basis, where that type of service is not specifically identified in the local government solid waste plan.

For purposes of solid waste collection companies, the definition of "solid waste" is revised so that "recyclable materials" does not include source-separated materials specifically identified in minimum levels of service in a local solid waste management plan that are collected from residences on a routine basis.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.