
SUBSTITUTE SENATE BILL 5174

State of Washington

67th Legislature

2021 Regular Session

By Senate Environment, Energy & Technology (originally sponsored by Senators Wilson, J., Das, Hunt, Rolfes, Wagoner, and Wilson, C.)

READ FIRST TIME 02/03/21.

1 AN ACT Relating to providing for the recycling of wind turbine
2 blades; adding a new chapter to Title 70A RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that a convenient,
6 safe, and environmentally sound system for the recycling of wind
7 turbine blades must be established. The legislature further finds
8 that the responsibility for this system must be shared among all
9 stakeholders, with manufacturers financing the takeback and recycling
10 system.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply
12 throughout this chapter unless the context clearly requires
13 otherwise.

14 (1) "Department" means the department of ecology.

15 (2) "Distributor" means a person who markets and sells wind
16 turbine blades to retailers in Washington.

17 (3) "Installer" means a person who assembles, installs, and
18 maintains wind turbine blades.

19 (4) "Manufacturer" means any person in business or no longer in
20 business but having a successor in interest who, irrespective of the

1 selling technique used, including by means of distance or remote
2 sale:

3 (a) Manufactures or has manufactured a wind turbine blade under
4 its own brand names for use or sale in or into Washington;

5 (b) Assembles or has assembled a wind turbine blade that uses
6 parts manufactured by others for use or sale in or into Washington
7 under the assembler's brand names;

8 (c) Resells or has resold in or into Washington under its own
9 brand names a wind turbine blade produced by other suppliers,
10 including retail establishments that sell wind turbine blades under
11 their own brand names;

12 (d) Manufactures or has manufactured a cobranded wind turbine
13 blade for use or sale in or into Washington that carries the name of
14 both the manufacturer and a retailer;

15 (e) Imports or has imported a wind turbine blade into the United
16 States that is used or sold in or into Washington. However, if the
17 imported wind turbine blade is manufactured by any person with a
18 presence in the United States meeting the criteria of manufacturer
19 under (a) through (f) of this subsection, that person is the
20 manufacturer;

21 (f) Sells at retail a wind turbine blade acquired from an
22 importer that is the manufacturer and elects to register as the
23 manufacturer for those products; or

24 (g) Elects to assume the responsibility and register in lieu of a
25 manufacturer as defined under (a) through (f) of this subsection.

26 (5) "Retailer" means a person who offers wind turbine blades for
27 retail sale in Washington through any means including, but not
28 limited to, remote offerings such as sales outlets, catalogs, or
29 internet sales.

30 (6) "Reuse" means any operation by which a wind turbine blade or
31 a component of a wind turbine blade changes ownership and is used for
32 the same purpose for which it was originally purchased or for a
33 different beneficial purpose.

34 (7) "Stewardship plan" means the plan developed by a
35 manufacturer's designated stewardship organization for a self-
36 directed stewardship program.

37 (8) "Stewardship program" means the activities conducted by a
38 stewardship organization to fulfill the requirements of this chapter
39 and implement the activities described in the organization's
40 stewardship plan.

1 (9) "Wind turbine blade" means a blade that is designed to be
2 used as a component of a wind turbine for the purpose of generating
3 electricity to be supplied to an electric utility as defined in RCW
4 19.29A.010.

5 NEW SECTION. **Sec. 3.** The department shall develop guidance for
6 a wind turbine blade stewardship and takeback program to guide
7 manufacturers and stewardship organizations in preparing and
8 implementing a self-directed program to ensure the convenient, safe,
9 and environmentally sound takeback and recycling of wind turbine
10 blades and their components and materials. By January 1, 2022, the
11 department shall establish a process to develop guidance for wind
12 turbine blade stewardship plans by working with manufacturers,
13 stewardship organizations, and other stakeholders on the content,
14 review, and approval of stewardship plans. The department's process
15 must be fully implemented and stewardship plan guidance completed by
16 January 1, 2023.

17 NEW SECTION. **Sec. 4.** A manufacturer shall designate a
18 stewardship organization to act as an agent on behalf of the
19 manufacturer in operating and implementing the stewardship program
20 required under this chapter. Manufacturers that have not designated a
21 stewardship organization may not sell or supply wind turbine blades
22 in or into Washington.

23 NEW SECTION. **Sec. 5.** (1) By January 1, 2023, each stewardship
24 organization shall register with the department on behalf of its
25 member manufacturers. The registration must include the following
26 information:

27 (a) The name and contact information of the stewardship
28 organization's member manufacturers; and

29 (b) Each manufacturer's brand names of wind turbine blades,
30 including all brand names currently being sold in or into Washington,
31 and all brand names for which the manufacturer has legal
32 responsibility.

33 (2) Each stewardship organization must pay the annual fee and
34 costs as determined by the department in section 9 of this act.

1 NEW SECTION. **Sec. 6.** (1) Each stewardship organization shall
2 prepare and submit a stewardship plan to the department by July 1,
3 2023.

4 (2) A stewardship plan must, at a minimum:

5 (a) Describe how manufacturers will finance the takeback and
6 recycling system and include an adequate funding mechanism to finance
7 the costs of collection, management, and recycling of wind turbine
8 blades that will be sold in or into Washington by the manufacturer
9 with a mechanism that ensures that wind turbine blades can be
10 delivered to takeback locations without cost to the last owner or
11 holder;

12 (b) Accept all wind turbine blades sold in or into Washington
13 after the effective date of this section;

14 (c) Provide for takeback of wind turbine blades at locations that
15 are within the region of the state in which their wind turbine blades
16 were used and are as convenient as reasonably practicable, and if no
17 such location within the region of the state exists, include an
18 explanation for the lack of such a location;

19 (d) Identify how relevant stakeholders, including installers,
20 demolition firms, and recycling and treatment facilities, will
21 receive information required in order for them to properly dismantle,
22 transport, and treat the end-of-life wind turbine blades in a manner
23 consistent with the objectives of this chapter;

24 (e) Establish performance goals, including a goal for the rate of
25 reuse and recycling of collected wind turbine blades as a percentage
26 of the total weight of wind turbine blades collected, which rate must
27 be no less than 85 percent.

28 (3) A stewardship organization shall implement the stewardship
29 plan.

30 (4) A stewardship organization may periodically amend its
31 stewardship plan. The department shall approve the amendment if it
32 meets the requirements for plan approval outlined in the department's
33 guidance. When submitting proposed amendments, the stewardship
34 organization shall include an explanation of why such an amendment is
35 necessary.

36 (5) The department shall approve a stewardship plan if it
37 determines the plan addresses each element outlined in the
38 department's guidance.

39 (6) Each stewardship organization shall implement its approved
40 plan within six months of the department's approval of the plan.

1 NEW SECTION. **Sec. 7.** (1) Beginning July 1, 2024, and by July
2 1st in each subsequent year, a manufacturer's designated stewardship
3 organization, shall provide to the department a report for the
4 previous calendar year that documents implementation of the plan and
5 assesses achievement of the performance goals established in this
6 chapter.

7 (2) The report may include any recommendations to the department
8 or the legislature on modifications to the program that would enhance
9 the effectiveness of the program, including management of program
10 costs and mitigation of environmental impacts of wind turbine blades.

11 (3) The stewardship organization shall post the report on a
12 publicly accessible website.

13 NEW SECTION. **Sec. 8.** (1) Beginning July 1, 2023, no
14 manufacturer, distributor, retailer, or installer may sell, offer for
15 sale, or install a wind turbine blade in or into Washington unless
16 the manufacturer of the wind turbine blade is included in a
17 department approved stewardship plan.

18 (2) The department shall send a written warning to a manufacturer
19 that is not participating in a stewardship plan. The written warning
20 must inform the manufacturer that it must participate in a plan
21 within 30 days of the notice. The department may assess a penalty of
22 up to \$10,000 upon a manufacturer for each sale that occurs in or
23 into Washington of a wind turbine blade for which a stewardship plan
24 has not been submitted by the manufacturer's designated stewardship
25 organization and approved by the department after the initial written
26 warning. A manufacturer may appeal a penalty issued under this
27 section to the superior court of Thurston county within 180 days of
28 receipt of the notice.

29 (3) The department shall send a written warning to a distributor,
30 retailer, or installer that sells or installs a wind turbine blade
31 made by a manufacturer that is not participating in a plan. The
32 written warning must inform the distributor, retailer, or installer
33 that it may no longer sell or install a wind turbine blade if a
34 stewardship plan for that brand has not been submitted by the
35 manufacturer's designated stewardship organization and approved by
36 the department within 30 days of the notice.

37 NEW SECTION. **Sec. 9.** By April 1, 2022, and every April 1st
38 thereafter, the department shall determine administrative costs

1 incurred by the department for program implementation activities,
2 including stewardship plan review and approval, enforcement, and any
3 rule making, that must be recovered by charging every stewardship
4 organization an annual fee calculated by dividing department
5 administrative costs by the stewardship organization manufacturer's
6 pro rata share of the Washington wind turbine blade sales in the
7 preceding three calendar years, based on best available information.
8 Costs incurred by the department from the effective date of this
9 section until April 1, 2022, must be included in the first
10 determination. The sole purpose of assessing the fees authorized in
11 this section is to predictably and adequately fund the department's
12 costs of administering the wind turbine blade recycling program. The
13 department may require the stewardship organization to pay for costs
14 the department incurred in the prior fiscal year or for estimated
15 costs for the coming fiscal year.

16 NEW SECTION. **Sec. 10.** The wind turbine blade recycling account
17 is created in the custody of the state treasurer. All receipts of
18 fees collected from stewardship organizations under this chapter must
19 be deposited in the account. Expenditures from the account may be
20 used only for administering this chapter. Only the director of the
21 department or the director's designee may authorize expenditures from
22 the account. The account is subject to the allotment procedures under
23 chapter 43.88 RCW, but an appropriation is not required for
24 expenditures. Funds in the account may not be diverted for any
25 purpose or activity other than those specified in this section.

26 NEW SECTION. **Sec. 11.** In lieu of preparing a stewardship plan
27 and as provided under this chapter, a manufacturer may participate in
28 a national program for the convenient, safe, and environmentally
29 sound takeback and recycling of wind turbine blades and their
30 components and materials, if substantially equivalent to the intent
31 of Washington's program. The department may determine substantial
32 equivalence if it determines that the national program adequately
33 addresses and fulfills each of the elements of a stewardship plan
34 outlined in this chapter and includes an enforcement mechanism
35 reasonably calculated to ensure a manufacturer's compliance with the
36 national program. Upon issuing a determination of substantial
37 equivalence, the department shall notify affected stakeholders
38 including the manufacturer. If the national program is discontinued

1 or the department determines the national program is no longer
2 substantially equivalent to the state program in Washington, the
3 department shall notify the manufacturer and the manufacturer shall
4 provide a stewardship plan as described in this chapter to the
5 department for approval within 30 days of notification.

6 NEW SECTION. **Sec. 12.** The department may adopt rules as
7 necessary for the purpose of implementing, administering, and
8 enforcing this chapter.

9 NEW SECTION. **Sec. 13.** Sections 1 through 12 of this act
10 constitute a new chapter in Title 70A RCW.

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