
SENATE BILL 5345

State of Washington

67th Legislature

2021 Regular Session

By Senators Brown, Rolfes, Das, Hasegawa, Lovelett, Mullet, Nguyen, Randall, and Rivers

Read first time 01/25/21. Referred to Committee on Environment, Energy & Technology.

1 AN ACT Relating to establishing a statewide industrial waste
2 coordination program; amending RCW 42.56.270; adding new sections to
3 chapter 43.31 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that industrial
6 symbiosis networks create valuable collaborative opportunities where
7 the underutilized resources of one company, such as waste, by-
8 products, residues, energy, water, logistics, capacity, expertise,
9 equipment, and materials may be used by another. The legislature
10 further finds that many existing businesses and organizations in the
11 state have the potential to partner in the establishment of these
12 networks, and the formation of industrial symbiosis innovation hubs
13 at the state and local level would facilitate a systems approach that
14 identifies business opportunities to improve resource utilization and
15 productivity for a more sustainable and integrated industrial
16 economy.

17 Therefore, the legislature intends to establish a statewide
18 industrial waste coordination program in order to nurture and
19 coordinate existing industrial symbiosis efforts and to catalyze new
20 industrial symbiosis opportunities. Furthermore, the legislature
21 intends to establish the program in order to: Find ways of turning

1 waste and by-products into valued resource inputs; reduce waste
2 management costs; generate new business opportunities; increase the
3 size and diversity of business networks; identify means of improving
4 environmental performance; expand the regional circular economy; and
5 drive innovation.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.31
7 RCW to read as follows:

8 (1) An industrial waste coordination program is established in
9 order to provide expertise, technical assistance, and best practices
10 to support local industrial symbiosis projects.

11 (2) The industrial waste coordination program must be
12 administered by the department of commerce and administered
13 regionally, with each region provided with a dedicated facilitator
14 and technical and administrative support.

15 (3) The industrial waste coordination program must facilitate
16 waste exchange by:

17 (a) Developing inventories of industrial waste innovation
18 currently in operation;

19 (b) Generating a material flow data collection system in order to
20 capture and manage data on resource availability and potential
21 synergies;

22 (c) Establishing guidance and best practices for emerging local
23 industrial resource hubs;

24 (d) Identifying access to capital in order to fund projects,
25 including federal, state, local, and private funding;

26 (e) Developing economic and environmental performance metrics to
27 measure the results of industrial or commercial hubs;

28 (f) Hosting workshops and connecting regional businesses,
29 governments, utilities, research institutions, and other
30 organizations in order to identify opportunities for resource
31 collaboration;

32 (g) Assisting entities throughout the entire life cycle of
33 industrial symbiosis projects, from identification of opportunities
34 to full project implementation;

35 (h) Developing economic cluster initiatives in order to spur
36 growth and innovation; and

37 (i) Making any additional recommendations to the legislature in
38 order to incentivize and facilitate industrial symbiosis.

1 (4) The department of commerce may coordinate with other
2 agencies, representatives of business and manufacturing networks, and
3 other entities in order to develop material flow generation data and
4 increase multisectoral outreach.

5 (5) In generating the material flow data collection system under
6 subsections (3)(b) and (4) of this section, the department of
7 commerce may only use publicly available data or data voluntarily
8 provided by program participants. No entity may be required to
9 disclose material flow data. The department of commerce must keep any
10 proprietary business information confidential and such information is
11 exempt from public disclosure, as provided in RCW 42.56.270.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.31
13 RCW to read as follows:

14 (1) Subject to the availability of amounts appropriated for this
15 specific purpose, a competitive industrial symbiosis grant program is
16 established in order to provide grants for the research, development,
17 and deployment of local waste coordination projects.

18 (2) Grants may go towards:

19 (a) Existing industrial symbiosis efforts by public or private
20 sector organizations;

21 (b) Emerging industrial symbiosis opportunities involving public
22 or private sector organizations, including projects arising from:

23 (i) The industrial waste coordination program established in
24 section 2 of this act;

25 (ii) Conceptual work completed by public utilities to redirect
26 their wastes to productive use; or

27 (iii) Existing inventories or project concepts involving specific
28 biobased wastes converted to renewable natural gas;

29 (c) Research on product development using a specific waste flow;

30 (d) Feasibility studies to evaluate potential biobased resources;

31 (e) Feasibility studies for publicly owned utilities to evaluate
32 business models to transform to multiutility operations or for the
33 evaluation of potential symbiosis connections with other regional
34 businesses; or

35 (f) Other local waste coordination projects as determined by the
36 department of commerce.

37 (3) The department of commerce must develop a method and criteria
38 for the allocation of grants, subject to the following:

1 (a) Project allocation should reflect geographic diversity, with
2 grants being distributed equally in western and eastern parts of the
3 state, urban and rural areas, and small towns and large cities;

4 (b) Project allocation should consider factors such as time to
5 implementation and scale of economic or environmental benefits;

6 (c) Grants must require a one-to-one nonstate to state match; and

7 (d) Individual grant awards may not exceed \$500,000.

8 **Sec. 4.** RCW 42.56.270 and 2020 c 238 s 11 are each amended to
9 read as follows:

10 The following financial, commercial, and proprietary information
11 is exempt from disclosure under this chapter:

12 (1) Valuable formulae, designs, drawings, computer source code or
13 object code, and research data obtained by any agency within five
14 years of the request for disclosure when disclosure would produce
15 private gain and public loss;

16 (2) Financial information supplied by or on behalf of a person,
17 firm, or corporation for the purpose of qualifying to submit a bid or
18 proposal for (a) a ferry system construction or repair contract as
19 required by RCW 47.60.680 through 47.60.750; (b) highway construction
20 or improvement as required by RCW 47.28.070; or (c) alternative
21 public works contracting procedures as required by RCW 39.10.200
22 through 39.10.905;

23 (3) Financial and commercial information and records supplied by
24 private persons pertaining to export services provided under chapters
25 43.163 and 53.31 RCW, and by persons pertaining to export projects
26 under RCW 43.23.035;

27 (4) Financial and commercial information and records supplied by
28 businesses or individuals during application for loans or program
29 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
30 43.168 RCW, or during application for economic development loans or
31 program services provided by any local agency;

32 (5) Financial information, business plans, examination reports,
33 and any information produced or obtained in evaluating or examining a
34 business and industrial development corporation organized or seeking
35 certification under chapter 31.24 RCW;

36 (6) Financial and commercial information supplied to the state
37 investment board by any person when the information relates to the
38 investment of public trust or retirement funds and when disclosure

1 would result in loss to such funds or in private loss to the
2 providers of this information;

3 (7) Financial and valuable trade information under RCW 51.36.120;

4 (8) Financial, commercial, operations, and technical and research
5 information and data submitted to or obtained by the clean Washington
6 center in applications for, or delivery of, program services under
7 chapter 70.95H RCW;

8 (9) Financial and commercial information requested by the public
9 stadium authority from any person or organization that leases or uses
10 the stadium and exhibition center as defined in RCW 36.102.010;

11 (10)(a) Financial information, including but not limited to
12 account numbers and values, and other identification numbers supplied
13 by or on behalf of a person, firm, corporation, limited liability
14 company, partnership, or other entity related to an application for a
15 horse racing license submitted pursuant to RCW 67.16.260(1)(b),
16 marijuana producer, processor, or retailer license, liquor license,
17 gambling license, or lottery retail license;

18 (b) Internal control documents, independent auditors' reports and
19 financial statements, and supporting documents: (i) Of house-banked
20 social card game licensees required by the gambling commission
21 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted
22 by tribes with an approved tribal/state compact for class III gaming;

23 (c) Valuable formulae or financial or proprietary commercial
24 information records received during a consultative visit or while
25 providing consultative services to a licensed marijuana business in
26 accordance with RCW 69.50.561;

27 (11) Proprietary data, trade secrets, or other information that
28 relates to: (a) A vendor's unique methods of conducting business; (b)
29 data unique to the product or services of the vendor; or (c)
30 determining prices or rates to be charged for services, submitted by
31 any vendor to the department of social and health services or the
32 health care authority for purposes of the development, acquisition,
33 or implementation of state purchased health care as defined in RCW
34 41.05.011;

35 (12)(a) When supplied to and in the records of the department of
36 commerce:

37 (i) Financial and proprietary information collected from any
38 person and provided to the department of commerce pursuant to RCW
39 43.330.050(8); (~~and~~)

1 (ii) Financial or proprietary information collected from any
2 person and provided to the department of commerce or the office of
3 the governor in connection with the siting, recruitment, expansion,
4 retention, or relocation of that person's business and until a siting
5 decision is made, identifying information of any person supplying
6 information under this subsection and the locations being considered
7 for siting, relocation, or expansion of a business; and

8 (iii) Financial or proprietary information collected from any
9 person and provided to the department of commerce pursuant to section
10 2 (3)(b) and (4) of this act;

11 (b) When developed by the department of commerce based on
12 information as described in (a)(i) of this subsection, any work
13 product is not exempt from disclosure;

14 (c) For the purposes of this subsection, "siting decision" means
15 the decision to acquire or not to acquire a site;

16 (d) If there is no written contact for a period of sixty days to
17 the department of commerce from a person connected with siting,
18 recruitment, expansion, retention, or relocation of that person's
19 business, information described in (a)(ii) of this subsection will be
20 available to the public under this chapter;

21 (13) Financial and proprietary information submitted to or
22 obtained by the department of ecology or the authority created under
23 chapter ((70.95N)) 70A.500 RCW to implement chapter ((70.95N))
24 70A.500 RCW;

25 (14) Financial, commercial, operations, and technical and
26 research information and data submitted to or obtained by the life
27 sciences discovery fund authority in applications for, or delivery
28 of, grants under RCW 43.330.502, to the extent that such information,
29 if revealed, would reasonably be expected to result in private loss
30 to the providers of this information;

31 (15) Financial and commercial information provided as evidence to
32 the department of licensing as required by RCW 19.112.110 or
33 19.112.120, except information disclosed in aggregate form that does
34 not permit the identification of information related to individual
35 fuel licensees;

36 (16) Any production records, mineral assessments, and trade
37 secrets submitted by a permit holder, mine operator, or landowner to
38 the department of natural resources under RCW 78.44.085;

39 (17)(a) Farm plans developed by conservation districts, unless
40 permission to release the farm plan is granted by the landowner or

1 operator who requested the plan, or the farm plan is used for the
2 application or issuance of a permit;

3 (b) Farm plans developed under chapter 90.48 RCW and not under
4 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject
5 to RCW 42.56.610 and 90.64.190;

6 (18) Financial, commercial, operations, and technical and
7 research information and data submitted to or obtained by a health
8 sciences and services authority in applications for, or delivery of,
9 grants under RCW 35.104.010 through 35.104.060, to the extent that
10 such information, if revealed, would reasonably be expected to result
11 in private loss to providers of this information;

12 (19) Information gathered under chapter 19.85 RCW or RCW
13 34.05.328 that can be identified to a particular business;

14 (20) Financial and commercial information submitted to or
15 obtained by the University of Washington, other than information the
16 university is required to disclose under RCW 28B.20.150, when the
17 information relates to investments in private funds, to the extent
18 that such information, if revealed, would reasonably be expected to
19 result in loss to the University of Washington consolidated endowment
20 fund or to result in private loss to the providers of this
21 information;

22 (21) Market share data submitted by a manufacturer under RCW
23 (~~(70.95N.190(4))~~) 70A.500.190(4);

24 (22) Financial information supplied to the department of
25 financial institutions, when filed by or on behalf of an issuer of
26 securities for the purpose of obtaining the exemption from state
27 securities registration for small securities offerings provided under
28 RCW 21.20.880 or when filed by or on behalf of an investor for the
29 purpose of purchasing such securities;

30 (23) Unaggregated or individual notices of a transfer of crude
31 oil that is financial, proprietary, or commercial information,
32 submitted to the department of ecology pursuant to RCW
33 90.56.565(1)(a), and that is in the possession of the department of
34 ecology or any entity with which the department of ecology has shared
35 the notice pursuant to RCW 90.56.565;

36 (24) Financial institution and retirement account information,
37 and building security plan information, supplied to the liquor and
38 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and
39 69.50.345, when filed by or on behalf of a licensee or prospective
40 licensee for the purpose of obtaining, maintaining, or renewing a

1 license to produce, process, transport, or sell marijuana as allowed
2 under chapter 69.50 RCW;

3 (25) Marijuana transport information, vehicle and driver
4 identification data, and account numbers or unique access identifiers
5 issued to private entities for traceability system access, submitted
6 by an individual or business to the liquor and cannabis board under
7 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and
8 69.50.345 for the purpose of marijuana product traceability.
9 Disclosure to local, state, and federal officials is not considered
10 public disclosure for purposes of this section;

11 (26) Financial and commercial information submitted to or
12 obtained by the retirement board of any city that is responsible for
13 the management of an employees' retirement system pursuant to the
14 authority of chapter 35.39 RCW, when the information relates to
15 investments in private funds, to the extent that such information, if
16 revealed, would reasonably be expected to result in loss to the
17 retirement fund or to result in private loss to the providers of this
18 information except that (a) the names and commitment amounts of the
19 private funds in which retirement funds are invested and (b) the
20 aggregate quarterly performance results for a retirement fund's
21 portfolio of investments in such funds are subject to disclosure;

22 (27) Proprietary financial, commercial, operations, and technical
23 and research information and data submitted to or obtained by the
24 liquor and cannabis board in applications for marijuana research
25 licenses under RCW 69.50.372, or in reports submitted by marijuana
26 research licensees in accordance with rules adopted by the liquor and
27 cannabis board under RCW 69.50.372;

28 (28) Trade secrets, technology, proprietary information, and
29 financial considerations contained in any agreements or contracts,
30 entered into by a licensed marijuana business under RCW 69.50.395,
31 which may be submitted to or obtained by the state liquor and
32 cannabis board;

33 (29) Financial, commercial, operations, and technical and
34 research information and data submitted to or obtained by the Andy
35 Hill cancer research endowment program in applications for, or
36 delivery of, grants under chapter 43.348 RCW, to the extent that such
37 information, if revealed, would reasonably be expected to result in
38 private loss to providers of this information;

39 (30) Proprietary information filed with the department of health
40 under chapter 69.48 RCW;

1 (31) Records filed with the department of ecology under chapter
2 ((~~70.375~~) 70A.515 RCW that a court has determined are confidential
3 valuable commercial information under RCW ((~~70.375.130~~) 70A.515.130;
4 and

5 (32) Unaggregated financial, proprietary, or commercial
6 information submitted to or obtained by the liquor and cannabis board
7 in applications for licenses under RCW 66.24.140 or 66.24.145, or in
8 any reports or remittances submitted by a person licensed under RCW
9 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis
10 board under chapter 66.08 RCW.

11 NEW SECTION. **Sec. 5.** If specific funding for the purposes of
12 this act, referencing this act by bill or chapter number, is not
13 provided by June 30, 2021, in the omnibus appropriations act, this
14 act is null and void.

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