

CERTIFICATION OF ENROLLMENT

SENATE BILL 5345

67th Legislature
2021 Regular Session

Passed by the Senate April 14, 2021
Yeas 48 Nays 0

President of the Senate

Passed by the House April 10, 2021
Yeas 95 Nays 2

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5345** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5345

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

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; achieve environmental justice in goals and
5 policies; incentivize pathways to family-wage, green jobs; expand the
6 regional circular economy; and drive innovation.

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

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

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

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

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

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

23 (c) Establishing guidance and best practices for emerging local
24 industrial resource hubs, which must include a consideration of steps
25 to avoid creating or worsening negative impacts to overburdened
26 communities as identified by tools such as the department of health's
27 environmental health disparities map;

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

30 (e) Developing economic, environmental, and health disparities
31 metrics to measure the results of industrial or commercial hubs;

32 (f) Hosting workshops and connecting regional businesses,
33 governments, utilities, research institutions, and other
34 organizations in order to identify opportunities for resource
35 collaboration;

36 (g) Assisting entities throughout the entire life cycle of
37 industrial symbiosis projects, from identification of opportunities
38 to full project implementation;

1 (h) Developing economic cluster initiatives in order to spur
2 growth and innovation; and

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

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

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

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

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

22 (2) Grants may go towards:

23 (a) Existing industrial symbiosis efforts by public or private
24 sector organizations;

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

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

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

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

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

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

35 (e) Feasibility studies for publicly owned utilities to evaluate
36 business models to transform to multiutility operations or for the
37 evaluation of potential symbiosis connections with other regional
38 businesses; or

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

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

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

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

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

11 (d) Individual grant awards may not exceed \$500,000; and

12 (e) Project allocation should avoid creating or worsening
13 environmental health disparities and should make use of tools such as
14 the department of health's environmental health disparities map.

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

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

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

23 (2) Financial information supplied by or on behalf of a person,
24 firm, or corporation for the purpose of qualifying to submit a bid or
25 proposal for (a) a ferry system construction or repair contract as
26 required by RCW 47.60.680 through 47.60.750; (b) highway construction
27 or improvement as required by RCW 47.28.070; or (c) alternative
28 public works contracting procedures as required by RCW 39.10.200
29 through 39.10.905;

30 (3) Financial and commercial information and records supplied by
31 private persons pertaining to export services provided under chapters
32 43.163 and 53.31 RCW, and by persons pertaining to export projects
33 under RCW 43.23.035;

34 (4) Financial and commercial information and records supplied by
35 businesses or individuals during application for loans or program
36 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
37 43.168 RCW, or during application for economic development loans or
38 program services provided by any local agency;

1 (5) Financial information, business plans, examination reports,
2 and any information produced or obtained in evaluating or examining a
3 business and industrial development corporation organized or seeking
4 certification under chapter 31.24 RCW;

5 (6) Financial and commercial information supplied to the state
6 investment board by any person when the information relates to the
7 investment of public trust or retirement funds and when disclosure
8 would result in loss to such funds or in private loss to the
9 providers of this information;

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

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

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

18 (10)(a) Financial information, including but not limited to
19 account numbers and values, and other identification numbers supplied
20 by or on behalf of a person, firm, corporation, limited liability
21 company, partnership, or other entity related to an application for a
22 horse racing license submitted pursuant to RCW 67.16.260(1)(b),
23 marijuana producer, processor, or retailer license, liquor license,
24 gambling license, or lottery retail license;

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

30 (c) Valuable formulae or financial or proprietary commercial
31 information records received during a consultative visit or while
32 providing consultative services to a licensed marijuana business in
33 accordance with RCW 69.50.561;

34 (11) Proprietary data, trade secrets, or other information that
35 relates to: (a) A vendor's unique methods of conducting business; (b)
36 data unique to the product or services of the vendor; or (c)
37 determining prices or rates to be charged for services, submitted by
38 any vendor to the department of social and health services or the
39 health care authority for purposes of the development, acquisition,

1 or implementation of state purchased health care as defined in RCW
2 41.05.011;

3 (12)(a) When supplied to and in the records of the department of
4 commerce:

5 (i) Financial and proprietary information collected from any
6 person and provided to the department of commerce pursuant to RCW
7 43.330.050(8); (~~and~~)

8 (ii) Financial or proprietary information collected from any
9 person and provided to the department of commerce or the office of
10 the governor in connection with the siting, recruitment, expansion,
11 retention, or relocation of that person's business and until a siting
12 decision is made, identifying information of any person supplying
13 information under this subsection and the locations being considered
14 for siting, relocation, or expansion of a business; and

15 (iii) Financial or proprietary information collected from any
16 person and provided to the department of commerce pursuant to section
17 2 (3)(b) and (4) of this act;

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

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

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

28 (13) Financial and proprietary information submitted to or
29 obtained by the department of ecology or the authority created under
30 chapter (~~(70.95N)~~) 70A.500 RCW to implement chapter (~~(70.95N)~~)
31 70A.500 RCW;

32 (14) Financial, commercial, operations, and technical and
33 research information and data submitted to or obtained by the life
34 sciences discovery fund authority in applications for, or delivery
35 of, grants under RCW 43.330.502, to the extent that such information,
36 if revealed, would reasonably be expected to result in private loss
37 to the providers of this information;

38 (15) Financial and commercial information provided as evidence to
39 the department of licensing as required by RCW 19.112.110 or
40 19.112.120, except information disclosed in aggregate form that does

1 not permit the identification of information related to individual
2 fuel licensees;

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

6 (17)(a) Farm plans developed by conservation districts, unless
7 permission to release the farm plan is granted by the landowner or
8 operator who requested the plan, or the farm plan is used for the
9 application or issuance of a permit;

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

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

19 (19) Information gathered under chapter 19.85 RCW or RCW
20 34.05.328 that can be identified to a particular business;

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

29 (21) Market share data submitted by a manufacturer under RCW
30 (~~(70.95N.190(4))~~) 70A.500.190(4);

31 (22) Financial information supplied to the department of
32 financial institutions, when filed by or on behalf of an issuer of
33 securities for the purpose of obtaining the exemption from state
34 securities registration for small securities offerings provided under
35 RCW 21.20.880 or when filed by or on behalf of an investor for the
36 purpose of purchasing such securities;

37 (23) Unaggregated or individual notices of a transfer of crude
38 oil that is financial, proprietary, or commercial information,
39 submitted to the department of ecology pursuant to RCW
40 90.56.565(1)(a), and that is in the possession of the department of

1 ecology or any entity with which the department of ecology has shared
2 the notice pursuant to RCW 90.56.565;

3 (24) Financial institution and retirement account information,
4 and building security plan information, supplied to the liquor and
5 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and
6 69.50.345, when filed by or on behalf of a licensee or prospective
7 licensee for the purpose of obtaining, maintaining, or renewing a
8 license to produce, process, transport, or sell marijuana as allowed
9 under chapter 69.50 RCW;

10 (25) Marijuana transport information, vehicle and driver
11 identification data, and account numbers or unique access identifiers
12 issued to private entities for traceability system access, submitted
13 by an individual or business to the liquor and cannabis board under
14 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and
15 69.50.345 for the purpose of marijuana product traceability.
16 Disclosure to local, state, and federal officials is not considered
17 public disclosure for purposes of this section;

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

29 (27) Proprietary financial, commercial, operations, and technical
30 and research information and data submitted to or obtained by the
31 liquor and cannabis board in applications for marijuana research
32 licenses under RCW 69.50.372, or in reports submitted by marijuana
33 research licensees in accordance with rules adopted by the liquor and
34 cannabis board under RCW 69.50.372;

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

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

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

9 (31) Records filed with the department of ecology under chapter
10 (~~70.375~~) 70A.515 RCW that a court has determined are confidential
11 valuable commercial information under RCW (~~70.375.130~~) 70A.515.130;
12 and

13 (32) Unaggregated financial, proprietary, or commercial
14 information submitted to or obtained by the liquor and cannabis board
15 in applications for licenses under RCW 66.24.140 or 66.24.145, or in
16 any reports or remittances submitted by a person licensed under RCW
17 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis
18 board under chapter 66.08 RCW.

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

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