**2049-S2 AMH DYEM H3224.1 - NOT FOR FLOOR USE**

**2SHB 2049** - H AMD **976**

By Representative Dye

**NOT CONSIDERED 03/07/2024**

Beginning on page 40, line 8, after "(1)" strike all material through "made." on page 41, line 10 and insert "(a) The department must adopt by rule, and periodically revise a:

(i) Contamination management fee to be paid by producer responsibility organizations to material recovery facilities to compensate facilities for the costs of removing and disposing of covered products that are contaminants; and

(ii) Processor commodity risk fee to be paid by producer responsibility organizations to material recovery facilities to ensure that producers share in the costs of fully processing commingled recyclables that are covered products and to allow local governments to reduce financial impacts on ratepayers.

(b) In adopting a rule under this subsection, the department must maintain consistency with the definitions, calculations, and processes applicable to similar fees established for producer responsibility organizations operating in the state of Oregon, as they existed as of January 1, 2024, or as updated by the department by rule.

(2)(a) A person may not establish or operate a material recovery facility in Washington unless the person obtains a permit from the department under chapter 70A.205 RCW that establishes similar requirements to the requirements applicable to such facilities in the state of Oregon as they existed as of January 1, 2024, or as updated by the department by rule.

(b) The department shall establish a program or approve a program established by a third party to certify material recovery facilities located outside of Washington. Certifications under this subsection must be issued in a manner similar to the process for issuing certificates by the state of Oregon as they existed as of January 1, 2024, or as updated by the department by rule.

(c) Collected covered products under this chapter may only be provided to material recovery facilities that are permitted or certified under this subsection."

EFFECT: Requires the department of ecology to adopt rules to require producer responsibility organizations to pay material recovery facilities a contamination management fee and a processor commodity risk fee, based on similar fees established for Oregon producer responsibility organizations. Requires material recovery facility operators to obtain a solid waste permit or certificate issued by ecology that contains requirements similar to those applicable to material recovery facilities in Oregon. Requires producer responsibility organizations to only provide collected covered products to material recovery facilities that obtain a permit or certificate issued by the department of ecology. Eliminates specific examples of infrastructure investments that a producer responsibility organization must fund, and the requirement that investments be detailed in a producer responsibility organization's annual report.