

**2SHB 2049 - H AMD 976**

By Representative Dye

**NOT CONSIDERED 03/07/2024**

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

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

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

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

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

25 (b) The department shall establish a program or approve a program  
26 established by a third party to certify material recovery facilities  
27 located outside of Washington. Certifications under this subsection  
28 must be issued in a manner similar to the process for issuing  
29 certificates by the state of Oregon as they existed as of January 1,  
30 2024, or as updated by the department by rule.

31 (c) Collected covered products under this chapter may only be  
32 provided to material recovery facilities that are permitted or  
33 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.

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