
HOUSE BILL 2380

State of Washington

65th Legislature

2018 Regular Session

By Representative Smith

Prefiled 01/04/18.

1 AN ACT Relating to Washington's economic development potential as
2 a world leader in the stewardship of postconsumer materials; amending
3 RCW 70.95.100, 70.95.280, 70.95.285, and 70.95.290; and creating new
4 sections.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington
7 has long been a leader in solid waste management that protects the
8 environment and public health. Washington can be proud of recycling
9 rates that often exceed fifty percent, thanks to a robust system of
10 state and local oversight. Washington's solid waste management
11 systems also boast advanced and widespread organic material
12 composting initiatives, and pioneering programs that require the
13 cradle-to-grave stewardship of hazardous components of electronic
14 products, lightbulbs that contain mercury, and solar panels.

15 (2) In spite of these successes, because Washington's solid waste
16 management systems operate in a global marketplace for solid waste,
17 the successes of our programs are at the whim of market forces and
18 policymakers operating outside of the state. Wastes collected in
19 Washington are frequently processed or disposed of in other
20 jurisdictions whose laws may not ensure commensurately high
21 environmental and public health standards. And due to recent changes

1 in the recycling and solid waste policies in China, which has
2 historically had a significant role in processing Washington's
3 recyclable materials, waste management systems that have long
4 operated successfully have faced disruptions that threaten the
5 economic viability of recycling for many types of potentially
6 recyclable materials.

7 (3) Through this act, it is the goal of the legislature to:

8 (a) Increase the in-state capacity to make economically
9 beneficial reuse of recyclable materials, including by reducing
10 contamination rates of collected recyclable materials;

11 (b) Encourage the disposal in Washington of solid wastes
12 generated in Washington, or, failing that goal, in other places that
13 meet high environmental, health, and safety standards that are
14 similar to Washington's; and

15 (c) Diminish the volumes of solid wastes and recyclable materials
16 generated in Washington that are exported to places with lower
17 environmental and public health standards than we set to protect our
18 own health and environment.

19 NEW SECTION. **Sec. 2.** The utilities and transportation
20 commission, working with the department of ecology, must develop a
21 public outreach strategy designed to improve consumer education
22 regarding solid waste management and to reduce rates of contamination
23 in collected recyclable materials. In developing this strategy, the
24 utilities and transportation commission and the department of ecology
25 must consider the input of counties, cities, waste and recyclable
26 material collectors, and the operators of facilities that store or
27 process solid waste or recyclable materials. The utilities and
28 transportation commission must also design the strategy to operate in
29 tandem with and support the guidelines developed pursuant to RCW
30 70.95.100(1) to reduce rates of recycling contamination. The public
31 outreach strategy must be statewide in scope, but must account for
32 and be designed to accommodate the variation among local governments
33 in solid waste and recyclable material collection activities. The
34 utilities and transportation commission must submit the strategy to
35 the legislature by October 1, 2019, along with recommendations for
36 levels and sources for any new funding necessary to implement the
37 strategy.

1 NEW SECTION. **Sec. 3.** (1) The department of commerce shall
2 arrange for the completion of an economic analysis of solid waste and
3 recyclable material processing, export, and disposal activities in
4 Washington. The analysis must include:

5 (a) An evaluation of the existing businesses that derive value
6 from processing recyclable materials or solid wastes into saleable
7 products, and an evaluation of opportunities and barriers to the
8 expansion of the number and types of these businesses in the state;

9 (b) An evaluation of the implications of recent recycling market
10 changes in the western United States on recycling rates and on
11 businesses collecting and processing recyclable materials in
12 Washington; and

13 (c) Scenario models of the economic impacts and changes to
14 recycling rates that would result from policy alternatives that would
15 maximize the volume of solid wastes and recyclable materials
16 processed and disposed of within Washington.

17 (2) By December 1, 2019, the analysis required in subsection (1)
18 of this section must be submitted in a report to the legislature
19 consistent with the requirements of RCW 43.01.036. The analysis must
20 be accompanied by recommendations from the department of commerce,
21 developed in consultation with the utilities and transportation
22 commission, the department of ecology, and interested stakeholders,
23 regarding changes to state solid waste and recycling policies, with
24 the goal of increasing the amount of solid waste and recyclable
25 materials generated in Washington that end up being processed or
26 disposed of in Washington.

27 **Sec. 4.** RCW 70.95.100 and 1989 c 431 s 6 are each amended to
28 read as follows:

29 (1) The department or the commission, as appropriate, shall
30 provide to counties and cities technical assistance including, but
31 not limited to, planning guidelines, in the preparation, review, and
32 revision of solid waste management plans required by this chapter.
33 Guidelines prepared under this section shall be consistent with the
34 provisions of this chapter. Guidelines for the preparation of the
35 waste reduction and recycling element of the comprehensive solid
36 waste management plan shall be completed by the department by March
37 15, 1990, and updated by March 15, 2019, and periodically thereafter
38 to reflect changes in recyclable material market conditions. These
39 guidelines shall provide recommendations to local government on

1 materials to be considered for designation as recyclable materials.
2 These guidelines must be developed, with input from material recovery
3 facility operators and other stakeholders, with a goal of reducing
4 contamination rates of collected recyclable materials in order to
5 maximize the economically viable reuse of these materials, and must
6 promote greater statewide standardization and uniformity in the types
7 and methods of recyclable material collection. The state solid waste
8 management plan prepared pursuant to RCW 70.95.260 shall be
9 consistent with these guidelines.

10 (2) The department shall be responsible for development and
11 implementation of a comprehensive statewide public information
12 program designed to encourage waste reduction, source separation, and
13 recycling by the public. The department shall operate a toll free
14 hotline to provide the public information on waste reduction and
15 recycling.

16 (3) The department shall provide technical assistance to local
17 governments in the development and dissemination of informational
18 materials and related activities to assure recognition of unique
19 local waste reduction and recycling programs.

20 (4) Local governments shall make all materials and information
21 developed with the assistance grants provided under RCW 70.95.130
22 available to the department for potential use in other areas of the
23 state.

24 **Sec. 5.** RCW 70.95.280 and 1989 c 431 s 13 are each amended to
25 read as follows:

26 The department of ecology shall determine the best management
27 practices for categories of solid waste in accordance with the
28 priority solid waste management methods established in RCW 70.95.010.
29 In order to make this determination, the department shall conduct a
30 comprehensive solid waste stream analysis and evaluation. Following
31 establishment of baseline data resulting from an initial in-depth
32 analysis of the waste stream, the department shall develop a less
33 intensive method of monitoring the disposed waste stream including,
34 but not limited to, changes in the amount of waste generated and
35 waste type. The department shall monitor curbside collection programs
36 and other waste segregation and disposal technologies to determine,
37 to the extent possible, the effectiveness of these programs in terms
38 of cost and participation, their applicability to other locations,
39 and their implications regarding rules adopted under this chapter.

1 Persons who collect solid waste shall annually report to the
2 department the types and quantities of solid waste that are collected
3 and where it is delivered. Other persons with solid waste handling
4 permits, persons that handle solid waste but are exempt from
5 permitting requirements, and persons that export solid waste from
6 Washington shall annually report to the department the types and
7 quantities of solid waste that are generated, stored, used, treated,
8 processed, or disposed of by the facility. These reports must include
9 information on the types and quantities of solid wastes and
10 recyclable materials that are exported outside of the state and the
11 ultimate destination of those materials. The department shall adopt
12 guidelines for reporting and for keeping proprietary information
13 confidential.

14 **Sec. 6.** RCW 70.95.285 and 1988 c 184 s 2 are each amended to
15 read as follows:

16 The comprehensive, statewide solid waste stream analysis under
17 RCW 70.95.280 shall be based on representative solid waste generation
18 areas and solid waste generation sources within the state. The
19 following information and evaluations shall be included:

20 (1) Solid waste generation rates for each category;

21 (2) The rate of recycling being achieved within the state for
22 each category of solid waste;

23 (3) The rates and volumes of export outside of Washington of
24 different categories of solid wastes and recyclable materials;

25 (4) The rates and volumes of collected recyclable materials that
26 end up being processed as recyclable materials, rather than being
27 incinerated or otherwise disposed of;

28 (5) The current and potential rates of solid waste reduction
29 within the state;

30 ~~((4))~~ (6) A technological assessment of current solid waste
31 reduction and recycling methods and systems, including cost/benefit
32 analyses;

33 ~~((5))~~ (7) An assessment of the feasibility of segregating solid
34 waste at: (a) The original source, (b) transfer stations, and (c) the
35 point of final disposal;

36 ~~((6))~~ (8) A review of methods that will increase the rate of
37 solid waste reduction; and

1 ~~((7))~~ (9) An assessment of new and existing technologies that
2 are available for solid waste management including an analysis of the
3 associated environmental risks and costs.

4 The data required by the analysis under this section shall be
5 kept current and shall be available to the public, local governments,
6 and the waste management industry. The evaluations required by this
7 section must also be updated by December 1, 2018, and kept current
8 thereafter, including by addressing changes resulting from evolving
9 solid waste and recyclable material market dynamics.

10 **Sec. 7.** RCW 70.95.290 and 1988 c 184 s 3 are each amended to
11 read as follows:

12 (1)(a) The evaluation of the solid waste stream required in RCW
13 70.95.280 shall include the following elements:

14 ~~((a))~~ (i) The department shall determine which management
15 method for each category of solid waste will have the least
16 environmental impact; and

17 ~~((b))~~ (ii) The department shall evaluate the costs of various
18 management options for each category of solid waste, including a
19 review of market availability, and shall take into consideration the
20 economic impact on affected parties~~((+))~~.

21 ~~((c))~~ (b) Based on the results of (a)(i) and ~~((b))~~ (ii) of
22 this subsection, the department shall determine the best management
23 for each category of solid waste. Different management methods for
24 the same categories of waste may be developed for different parts of
25 the state.

26 (2) The department shall give priority to evaluating categories
27 of solid waste that, in relation to other categories of solid waste,
28 comprise a large volume of the solid waste stream, present economic
29 opportunities for material recovery, recycling, and reuse, or present
30 a high potential of harm to human health. At a minimum the following
31 categories of waste shall be evaluated:

32 ~~((a) By January 1, 1989,))~~ Yard waste and other biodegradable
33 materials, paper products, disposable diapers, ~~((and))~~ batteries~~((+)~~
34 ~~and~~

35 ~~((b) By January 1, 1990,))~~, metals, glass, plastics, styrofoam or
36 rigid lightweight cellular polystyrene, and tires.

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