
SENATE BILL 5286

State of Washington

67th Legislature

2021 Regular Session

By Senators Das and Saldaña

1 AN ACT Relating to establishing a statewide organic waste
2 management goal; amending RCW 70A.205.015, 70A.205.050, and
3 70A.205.055; adding a new section to chapter 70A.205 RCW; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that management of
7 organic waste is an essential component of the state's solid waste
8 management system. Proper management of organic waste provides many
9 environmental and economic benefits to the state, local governments,
10 residents, and businesses. Composting, anaerobic digestion, and other
11 forms of organic waste management can mitigate climate change by
12 reducing our carbon footprint through increased carbon sequestration,
13 when compost or recycled organic materials are applied to soil
14 systems, and through the useful diversion of organic waste from
15 landfills, where the waste would otherwise produce carbon intensive
16 methane emissions. This diversion of organic waste creates a savings
17 in space for landfills that are already overstressed by the current
18 demand for waste disposal.

19 Furthermore, recycling of organic waste contributes to a circular
20 economy by eliminating waste, keeping local products and material in
21 use, and regenerating natural systems. Compost and other recycled

1 organic waste products also enrich soil, improve soil structure, and
2 reduce the need for chemical fertilizers, providing beneficial
3 applications in agriculture, postconstruction soil conditioning,
4 infrastructure projects, horticulture, stormwater filtration, and
5 erosion control.

6 The legislature also finds that interpretation and implementation
7 of permitting requirements for organic waste processors across the
8 state can vary among local jurisdictions. This and other siting
9 requirements can cause barriers to the establishment of new
10 composting facilities and the expansion of existing compost
11 facilities.

12 Therefore, the legislature intends to establish a statewide
13 organic waste management goal to be accomplished over the next decade
14 in order to promote the reduction of organic waste resources going to
15 landfills, the diversification of how organic waste is managed, the
16 identification of technologies and methods for carbon sequestration,
17 and the comprehensive use of compost and other recycled organic waste
18 products by state and local governments, residents, and businesses to
19 facilitate the growth of organic waste processing statewide.

20 **Sec. 2.** RCW 70A.205.015 and 2020 c 20 s 1161 are each amended to
21 read as follows:

22 As used in this chapter, unless the context indicates otherwise:

23 (1) "City" means every incorporated city and town.

24 (2) "Commission" means the utilities and transportation
25 commission.

26 (3) "Composted material" means organic solid waste that has been
27 subjected to controlled aerobic degradation at a solid waste facility
28 in compliance with the requirements of this chapter. Natural decay of
29 organic solid waste under uncontrolled conditions does not result in
30 composted material.

31 (4) "Department" means the department of ecology.

32 (5) "Director" means the director of the department of ecology.

33 (6) "Disposal site" means the location where any final treatment,
34 utilization, processing, or deposit of solid waste occurs.

35 (7) "Energy recovery" means a process operating under federal and
36 state environmental laws and regulations for converting solid waste
37 into usable energy and for reducing the volume of solid waste.

1 (8) "Functional standards" means criteria for solid waste
2 handling expressed in terms of expected performance or solid waste
3 handling functions.

4 (9) "Incineration" means a process of reducing the volume of
5 solid waste operating under federal and state environmental laws and
6 regulations by use of an enclosed device using controlled flame
7 combustion.

8 (10) "Inert waste landfill" means a landfill that receives only
9 inert waste, as determined under RCW 70A.205.030, and includes
10 facilities that use inert wastes as a component of fill.

11 (11) "Jurisdictional health department" means city, county, city-
12 county, or district public health department.

13 (12) "Landfill" means a disposal facility or part of a facility
14 at which solid waste is placed in or on land and which is not a land
15 treatment facility.

16 (13) "Local government" means a city, town, or county.

17 (14) "Modify" means to substantially change the design or
18 operational plans including, but not limited to, removal of a design
19 element previously set forth in a permit application or the addition
20 of a disposal or processing activity that is not approved in the
21 permit.

22 (15) "Multiple-family residence" means any structure housing two
23 or more dwelling units.

24 (16) "Person" means individual, firm, association, copartnership,
25 political subdivision, government agency, municipality, industry,
26 public or private corporation, or any other entity whatsoever.

27 (17) "Recyclable materials" means those solid wastes that are
28 separated for recycling or reuse, such as papers, metals, and glass,
29 that are identified as recyclable material pursuant to a local
30 comprehensive solid waste plan. Prior to the adoption of the local
31 comprehensive solid waste plan, adopted pursuant to RCW
32 70A.205.075(2), local governments may identify recyclable materials
33 by ordinance from July 23, 1989.

34 (18) "Recycling" means transforming or remanufacturing waste
35 materials into usable or marketable materials for use other than
36 landfill disposal or incineration.

37 (19) "Residence" means the regular dwelling place of an
38 individual or individuals.

39 (20) "Sewage sludge" means a semisolid substance consisting of
40 settled sewage solids combined with varying amounts of water and

1 dissolved materials, generated from a wastewater treatment system,
2 that does not meet the requirements of chapter 70A.226 RCW.

3 (21) "Soil amendment" means any substance that is intended to
4 improve the physical characteristics of the soil, except composted
5 material, commercial fertilizers, agricultural liming agents,
6 unmanipulated animal manures, unmanipulated vegetable manures, food
7 wastes, food processing wastes, and materials exempted by rule of the
8 department, such as biosolids as defined in chapter 70A.226 RCW and
9 wastewater as regulated in chapter 90.48 RCW.

10 (22) "Solid waste" or "wastes" means all putrescible and
11 nonputrescible solid and semisolid wastes including, but not limited
12 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
13 demolition and construction wastes, abandoned vehicles or parts
14 thereof, and recyclable materials.

15 (23) "Solid waste handling" means the management, storage,
16 collection, transportation, treatment, utilization, processing, and
17 final disposal of solid wastes, including the recovery and recycling
18 of materials from solid wastes, the recovery of energy resources from
19 solid wastes or the conversion of the energy in solid wastes to more
20 useful forms or combinations thereof.

21 (24) "Source separation" means the separation of different kinds
22 of solid waste at the place where the waste originates.

23 (25) "Vehicle" includes every device physically capable of being
24 moved upon a public or private highway, road, street, or watercourse
25 and in, upon, or by which any person or property is or may be
26 transported or drawn upon a public or private highway, road, street,
27 or watercourse, except devices moved by human or animal power or used
28 exclusively upon stationary rails or tracks.

29 (26) "Waste-derived soil amendment" means any soil amendment as
30 defined in this chapter that is derived from solid waste as defined
31 in this section, but does not include biosolids or biosolids products
32 regulated under chapter 70A.226 RCW or wastewaters regulated under
33 chapter 90.48 RCW.

34 (27) "Waste reduction" means reducing the amount or toxicity of
35 waste generated or reusing materials.

36 (28) "Yard debris" means plant material commonly created in the
37 course of maintaining yards and gardens, and through horticulture,
38 gardening, landscaping, or similar activities. Yard debris includes
39 but is not limited to grass clippings, leaves, branches, brush,

1 weeds, flowers, roots, windfall fruit, vegetable garden debris,
2 holiday trees, and tree prunings four inches or less in diameter.

3 (29) "Organic waste" means food waste, food processing waste,
4 yard debris, wood waste, and food-soiled compostable paper waste.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 70A.205
6 RCW to read as follows:

7 (1) A goal is established to divert and reduce not less than 50
8 percent of organic waste by weight from landfill disposal by 2025,
9 and to divert and reduce not less than 90 percent of organic waste by
10 weight from landfill disposal by the end of 2030, relative to June
11 30, 2021.

12 (2) The goal is adopted to guide the development of solid waste
13 handling standards, the state solid waste management plan, and
14 criteria for municipal solid waste landfills by the department under
15 this chapter.

16 (3) In recognizing the untapped potential of composting,
17 anaerobic digestion, and other forms of organic waste management in
18 mitigating and preparing for climate change and improving soil
19 health, while supporting the establishment of a vibrant and robust
20 green economy in Washington state, actions related to better
21 integrating strategies, policies, and programs include, but are not
22 limited to:

23 (a) Including specific elements on the role soil amendments
24 derived from the solid waste system should play as part of climate
25 sequestration strategy development, including those addressing
26 forestry and agricultural land, as well as identifying future
27 research and analysis needs;

28 (b) Including the role of solid waste derived material systems,
29 when developing plans and mechanisms to deliver carbon markets and
30 finance in Washington, and in particular addressing the applicability
31 of organic recycling and landfill gas mitigation infrastructure
32 development; and

33 (c) Establishing methods and practices for monitoring and
34 improving soil health through the application of compost, based on
35 the United States department of agriculture's recommended soil health
36 indicators detailed in soil health technical note No. 450-03, in
37 coordination with the department of agriculture and public
38 institutions of higher education and other parties.

1 (4) Additional actions and strategies consistent with these goals
2 include, but are not limited to:

3 (a) The development of a revised permitting system for organic
4 waste management facilities to create consistent standards and
5 coordinated permitting;

6 (b) Increasing, where practical, the availability and convenience
7 of collection service for organic materials for the purpose of
8 producing high quality, organic waste-derived soil amendments or
9 renewable fuels;

10 (c) Setting methane emission standards for landfills to encourage
11 reduction of organic waste in landfills;

12 (d) Establishing policies and practices to reduce the generation
13 of organic waste and diversify how organic waste is managed;

14 (e) Developing a robust in-state market for organic waste
15 products, through methods including, but not limited to, outreach to
16 local governments, state government, and agricultural producers,
17 establishing local procurement policies; and

18 (f) Identifying technologies and methods for soil carbon
19 sequestration from organic waste.

20 **Sec. 4.** RCW 70A.205.050 and 2020 c 20 s 1164 are each amended to
21 read as follows:

22 (1) Levels of service shall be defined in the waste reduction and
23 recycling element of each local comprehensive solid waste management
24 plan and shall include the services set forth in RCW 70A.205.045. In
25 determining which service level is provided to residential and
26 nonresidential waste generators in each community, counties and
27 cities shall develop clear criteria for designating areas as urban or
28 rural. In designating urban areas, local governments shall consider
29 the planning guidelines adopted by the department, total population,
30 population density, and any applicable land use or utility service
31 plans.

32 (2) Subject to the availability of amounts appropriated
33 specifically to cover local government costs, each city and county
34 with a population of 50,000 or more must ensure that its
35 comprehensive solid waste management plan incorporates approaches for
36 source reduction, on-site and off-site management of organics, and
37 where practical, levels of service that will achieve within its
38 jurisdiction the organic waste diversion and reduction goals
39 established under section 3 of this act.

1 **Sec. 5.** RCW 70A.205.055 and 2010 c 210 s 17 are each amended to
2 read as follows:

3 (1) The department and local governments preparing plans are
4 encouraged to work cooperatively during plan development. Each county
5 and city preparing a comprehensive solid waste management plan shall
6 submit a preliminary draft plan to the department for technical
7 review. The department shall review and comment on the draft plan
8 within one hundred twenty days of receipt. The department's comments
9 shall state specific actions or revisions that must be completed for
10 plan approval.

11 (2) Each final draft solid waste management plan shall be
12 submitted to the department for approval. The department will limit
13 its comments on the final draft plans to those issues identified
14 during its review of the draft plan and any other changes made
15 between submittal of the preliminary draft and final draft plans.
16 Disapproval of the local comprehensive solid waste management plan
17 shall be supported by specific findings. A final draft plan shall be
18 deemed approved if the department does not disapprove it within
19 forty-five days of receipt.

20 (3) If the department disapproves a plan or any plan amendments,
21 the submitting entity may appeal the decision to the pollution
22 control hearings board as provided in RCW 43.21B.230. The appeal
23 shall be limited to review of the specific findings which supported
24 the disapproval under subsection (2) of this section.

25 (4) The department may approve a plan or plan amendment for a
26 city or county that meets the population threshold in RCW
27 70A.205.050(2) and is subject to the organic waste management goals
28 established in section 3 of this act but fails to achieve the goals
29 and requirements of section 3 of this act and RCW 70A.205.050, where
30 the department determines that areas within the city or county lack
31 composting facilities within a reasonable distance. The department
32 may condition the approval and convene the local jurisdictions and
33 solid waste handling and recycling industry to evaluate how to meet
34 the goal of providing organic waste recycling and composting capacity
35 within a reasonable distance, based on local constraints.

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