



Solid Waste History

Solid Waste Management in Washington

Long before wastes in Washington were categorized as hazardous waste (e.g., toxic by-products) and solid waste, or non-hazardous waste (e.g., garbage), they were all managed in essentially the same way, which generally involved dumping onto lands or waters. In every county there were open and unregulated disposal sites. Many of these sites were potential threats to public health.

Prior to 1961, solid waste collection companies (or haulers) operated in the same manner as "common carriers" and were licensed and viewed essentially as trucking companies. Many haulers competed for lucrative routes in densely populated areas, while many rural areas, where collection costs are higher, received varied levels and prices of collection services.

Washington State's response was the enactment of *Ch. 296 of the Laws of 1961*, adding solid waste collection to the list of activities regulated by the Washington Utilities and Transportation Commission (WUTC). Solid waste companies in operation on July 1, 1961, were granted certificates of Public Necessity and Convenience (G-Certificates) for their service territory. These G-Certificates are property rights, granting authority to provide service within specific areas. In exchange for a G-Certificate, the companies are subject to comprehensive state regulation of every component of their services and rates under the regulatory auspices of the WUTC, much like other regulated utilities. The purpose of the 1961 statute was to guarantee safe and affordable solid waste collection to all areas of the state, in particular those rural areas that historically had not received reliable, affordable, or any service.

A certificate holder's operation is closely monitored and regulated by the WUTC. Rates, service levels, routes, business practices, insurance, vehicle operation and maintenance, vehicle safety, driver qualifications, driver drug and alcohol programs, and consumer relations are all subject to WUTC regulation (RCW Chap. 81.77 and 70.95, and WAC 480.70). The WUTC reviews all company expenses and allows only reasonable, prudently incurred expenses for the purpose of setting rates that are charged to the public. The WUTC may, after hearing, suspend, revoke, alter, or amend any certificate if a company has willfully violated or refused to observe any of the commission's orders, rules, or regulations, or has failed to operate as a solid waste collection company for a period of at least one year preceding the filing of the complaint.

Comprehensive state solid waste management legislation was first enacted in 1969. Since then, the laws and accompanying regulations have changed a great deal to address the

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evolution in knowledge about the proper handling of solid waste and the proper construction, monitoring, and closure of landfills.

The Solid Waste Management Act, Chapter 70.95 RCW, was enacted by the Washington State Legislature in 1969. This legislation placed responsibility for waste management in the hands of local government. It required local health departments to be the main regulatory entity, issuing landfill permits and fining those responsible for illegal disposal. It directed the closure of open dumps or their conversion to landfills that met specific design standards. The legislation directed the convening of a state solid waste advisory committee (SWAC) to provide consultation to Ecology. This consultation included making legislative recommendations and reviewing the State's first solid waste management plan.

The 1971 Model Litter Control Act, Chapter 70.93 RCW, established a tax on commonly littered items in lieu of a beverage container deposit system. Later, in 1976, this act was amended to establish the Ecology Youth Corps to clean litter and to promote recycling.

The Solid Waste Management Act also directed Ecology to develop minimum functional standards for solid waste handling. In 1972, Ecology issued the first Minimum Functional Standards, Chapter 173-301 WAC. These provided standards for the handling of solid wastes, and the operation of sanitary landfills. These standards prohibited open burning and provided the basis for the regulation of solid waste facilities by local health departments.

In 1972, Ecology prepared the state's first Solid Waste Management Plan. The plan discussed local planning requirements and the handling and disposal of residential and commercial wastes.

In 1976, the United States Congress passed the Resource Conservation and Recovery Act (RCRA). This law directed each state to prepare a plan for managing solid waste, to be reviewed by the Environmental Protection Agency.

In 1976, the Legislature amended the Solid Waste Management Act to deal separately with hazardous waste. The Hazardous Waste Management Act, Chapter 70.105 RCW defined hazardous wastes in two categories, "dangerous" and "extremely hazardous." The act also directed Ecology to adopt minimum standards and regulations for disposal of extremely hazardous wastes.

In 1980, Ecology produced its second Solid Waste Management Plan. This plan dealt with collection and disposal systems. It addressed hazardous, residential, and commercial waste, with an emphasis on planning for hazardous waste management.

In 1984, the Solid Waste Management Act was amended to define the state's waste management priorities as:

1. Waste reduction
2. Waste recycling

3. Energy recovery/incineration
4. Landfilling

The 1984 amendments also mandated the formation of local SWACs for each county to assist in the development of county comprehensive solid waste management plans. Ecology was authorized to approve local solid waste plans, to review local solid waste permits, and, if necessary, to appeal their issuance within 30 days.

In 1985, the first set of Minimum Functional Standards (MFS) (Chapter 173-301WAC) was repealed and a second set of standards, Chapter 173-304 WAC, was established. The new MFS expanded the types of facilities governed and set forth siting criteria, design and performance standards and closure and post-closure requirements. These standards were amended in 1988 to include standards for closure and post-closure financial assurance to ensure funds would be available to close and to monitor them after closure.

In 1989, the legislature passed the "Waste Not Washington Act." This legislation amended the Solid Waste Management Act, and established waste reduction and source-separated recycling as the fundamental strategies for managing solid waste. It set a goal of recycling 50% of Washington State's waste by 1995 and realigned the state priorities for the collection, handling and management of solid waste. It did not, however, change the basic structure of the solid waste collection regulatory system. The revised priorities are as follows:

1. Waste reduction
2. Recycling, with source separation of recyclable materials as the preferred method
3. Energy recovery, incineration, or landfilling of separated waste
4. Energy recovery, incineration, or landfilling of mixed waste

The "Waste Not Washington Act" also directed Ecology to prepare a third solid waste management plan and review the plan at least every five years, updating as appropriate. In 1991, Ecology produced the third State Solid Waste Management Plan.

The overriding goal of the 1991 State Solid Waste Management Plan was that all solid waste in Washington State (including industrial waste) be managed by the highest priority method possible to protect the environment and human health.

Specific goals to be reached within twenty years (by 2011) included:

- Everyone practices waste reduction, with waste generation per capita decreasing annually.
- Everyone recycles all solid waste possible.
- The use of recycled and recyclable materials is preferred, with markets for all recyclables established and reliable.

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- Waste is disposed of only after removal of all reusable, recyclable and compostable material.
- Disposal practices protect the environment and human health.
- Resources are available to manage solid waste with the highest possible priority method.
- Solid waste laws and regulations are clear, consistent, and workable, and provide each level of government with the authority it needs to manage solid waste properly.
- All levels of government, citizens and the private sector work cooperatively.

Implementation of the 1991 State Plan

A great deal of progress has been made toward the goals listed in the 1991 State Solid Waste Management Plan. Examples of some implementation activities are highlighted below:

- Eighty-five percent of the state's population now has access to curbside recycling¹.
- Recycling rates have increased from 15% in 1986 to 35% today. In 2001, Ecology developed an "alternative"² approach to calculate the recycling rate. The 2002 alternative recycling rate was 45%.
- Local government and state government have invested in waste reduction and recycling programs and infrastructure. State government funding is provided through the Coordinated Prevention Grant Program (CPG).
- The state Department of General Administration has structured contracts to encourage procurement and use of reusable and recyclable content materials when appropriate.
- More solid waste is being diverted from disposal for reuse, recycling, composting and beneficial land application.
- Some hazardous wastes from households and from small quantity generators (moderate-risk wastes, or MRW) are being diverted from disposal for reuse and recycling.
- The disposal capacity concerns that were prominent in the 1991 plan have virtually disappeared, with disposal capacity estimated at about 39 years, assuming current disposal rates. This is largely due to the Roosevelt Regional Landfill in Klickitat County.
- A statewide solid waste report is now published annually, and it includes detailed information on activities and conditions related to solid waste in Washington.

¹ From *Solid Waste in Washington State, Twelfth Annual Status Report*, p. 79, Washington State Department of Ecology publication No. 03-07-019. Available at <http://www.ecy.wa.gov/pubs/0307019.pdf>

² Alternative recycling rate is calculated using the disposed amounts from traditional sources as well as woodwaste, inert/demolition and limited purpose landfills.

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- Ecology has developed QA/QC standards for solid waste facilities that have been incorporated into regulations (Chapters 173-351 and 173-350 WAC).
- A new Minimum Functional Standards regulation, Chapter 173-350 WAC, has been enacted that meets legislative directives to encourage recycling, improve solid waste permitting, and address proper solid waste handling. The new rule is also better organized and more clear.
- Local solid waste plans and priorities reflect a strong emphasis on waste reduction and recycling activities.

While these are significant accomplishments, we continue to work toward some of the other goals set forth in the "Waste Not Washington Act" and the 1991 State Solid Waste Plan, including the 50% recycling rate, decreasing per capita waste generation, and making waste reduction common practice. More specific information about Washington's network of solid waste infrastructure, services and programs is available in the annual statewide solid waste status report published by Ecology. The most recent report as of this writing is, "*Solid Waste in Washington State--Twelfth Annual Status Report*," Ecology Publication No. 03-07-019.

The state solid waste plan revision provides the opportunity to build on Washington's successes and set long-term goals for the future we want to create.