

WASTE 2 RESOURCES ADVISORY COMMITTEE

** MEETING SUMMARY **

September 26, 2017, 1 p.m.

Andy Comstock, Committee Vice-Chair, called the meeting to order at 1:05 p.m. and introductions were made. He asked for a motion to approve the May 16, 2017 meeting notes. There was a motion to adopt and the notes were approved.

2018 W2RAC Meetings - Laurie Davies

Contact: 360-407-6103; Laurie.Davies@ecy.wa.gov

During the September meeting, we usually request nominations for Chair and Vice Chair of the W2RAC – Laurie asked if Andy was okay with deferring to November for Chair and Co-Chair nominations. The nominations will be reviewed and acted on in November, as the Chair was not there.

The September meeting usually includes the next year's schedule. W2RAC used to meet on Tuesday mornings but a mandatory Executive Management for Laurie caused the change to Tuesday afternoon. Consensus was reached that Wednesday morning would be the preferred time if possible. Laurie will investigate if we can obtain VC rooms on the third Wednesday of the month, every other month starting January 2018.

Budget/Legislative Update - Laurie Davies

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Ecology is in the middle of planning the supplemental budget. We expect the budget to be sent to the Office of Financial Management (OFM) the first part of October; and will be available to the public when the Governor releases his budget in December. Waste 2 Resources is focusing on resubmittal of our Capital budget that covers the tire clean-up program, and the Local Solid Waste Financial Assistance (originally CPG) grants. We are requesting 15 million from the Model Toxics Control Account (MTCA) for the local grants and 1 million for the tire cleanup program. The forecast shows that MTCA is down an additional 10 million and the general fund is up. Because the General Fund is up and MTCA is down, Ecology is looking to move programs that were originally funded out of General Fund but moved to MTCA during the Great Recession back to General Fund. This would free up MTCA dollars for the intended uses such as Local Solid Waste Financial Assistance.

There was also discussion regarding having the 10 million of WRRLCA that was transferred to State Parks returned to Waste 2 Resources. Laurie noted Ecology would not be seeking any resolution in the supplemental budget. Jan Gee suggested the W2RAC assist her organization in seeking resolution of the WRRLCA transfer in 2019. There was an inquiry regarding what general fund activities had been transferred over the years to MTCA. One example given was shoreline management grants.

Waste 2 Resources (W2R) does not have any policy bills for the legislature. Three bills from the agency are going forward. Laurie is most familiar with the oil spill preparedness, another is from water quality, and we are uncertain of the third bill.

The 2017-2019 Senate Transportation Budget contained a proviso for the Department of Licensing (DOL) to coordinate with Department of Ecology for the end of life management of abandoned RVs. DOL has organized a workgroup that includes both agencies, the Department of Transportation (DOT), Washington State Patrol, salvage yards, two different tow truck associations, local

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governments, and other stakeholders. Under current law, the Washington State Patrol contracts with towing companies to remove RVs from Washington's highways. Often the RVs contain other wastes and have no VIN number. Processing RVs for final disposal has become increasingly expensive and puts the burden of the cost on towing companies. The workgroup is tasked with developing a solution to this problem and preparing draft legislation and a report for consideration by the 2018 Legislature. The final report and draft legislation are due December 1, 2017.

We also had another budget proviso for W2R to deliver a legislative report for the Solid Waste Handling Rule, WAC 173-350. The report was released from the Governor's Office on September 11. The report is available online and a draft rule of the rule is appended at the end. The draft rule is from August 2017 and may not reflect the most recent updates.

Jan Gee, from Washington Food Industry Association, asked about the request three years in a row to restore Waste Reduction, Recycling, and Litter Control Account (WRRLCA) money. She is wondering if there are active partners within the W2RAC that would be willing to collaborate with the Washington Food Industry Association (WFIA) to get the full amount returned to Ecology for its intended purposes. WFIA would like to attempt to put this back to the Legislature to reconsider.

Laurie noted that the account in question is the litter tax. WRRLCA money is split. Fifty percent is the EYC Litter Program, thirty percent goes to waste reduction and recycling, and the final twenty percent is distributed through CLCP Grants for litter pickup.

There is a ten million dollar reduction to Ecology's budget this biennium even though 18-19 million of revenue was collected. The majority of the tax money comes from retailers, and restaurants/food industry paying taxes for recyclable containers. The items that fall within the tax were decided in the 1970s after an extensive review of roadside litter.

Art Starry asked if Jan has inquired with the Washington Association of Counties for support. Jan noted that she wanted to start with W2RAC. Laurie mentioned that the Environmental Health Committee meetings and Solid Waste Manager Committee meetings could have this information disseminated to them as well. Steve Skinner offered to bring it up at the Solid Waste Manager Committee meeting. WSRA's representative Anne Piacentino noted that their policy and advocacy committees will meet this Monday and Lisa Sapanski said she supports bringing up the issue with their committee. Jan would also like people to attend a meeting with the governor's office. Heather Trim inquired as to whether tribal retail stores actually pay into this particular tax as sovereign nations. Danny Joe Stensgar, TSWAN President noted that EPA might also be willing to participate in this effort. Anne from WSRA noted that it would be helpful to have the links and background information. Jan asked Laurie to send her the white paper that Ecology put together for this issue.

Rules Update - Kyle Dorsey, Tami Ramsey, and Lynn Gooding

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WAC 173-350 Rule Update:

Kyle Dorsey presented an update on progress with WAC 173-350. Handouts will be posted to the advisory committee website after the meeting. There was a budget proviso requesting that we put together a legislative report. The report contains areas of the 173-350 update where Waste 2 Resources cannot get consensus from stakeholders. That report is available online and as mentioned previously the reports includes the August draft rule language.

Current work includes preparing notes for the economist. The economist will complete a Small

Business Impact Statement, response to critical questions, and an economic analysis. We are also working to address commentary on the second draft, which wrapped up last February. We are going to release the comment responses in October, well in advance to the formal rule going forward in November. We will get the economist documents back this fall, before we file CR-102 formal rule proposal, which will include the final rule text. It is important to go to the most current text and information available at our website in late October.

We estimate that the public hearings will begin the third week of January. Laurie confirmed that we are planning to have three public hearings. Kyle reminded the committee that we would have access by both WebEx and in person. Each hearing will be preceded by an informal presentation and questions for clarifications. Adoption package preparation will take most of February and March. Ecology hopes to adopt the rule in late March, and it would go into effect in late April.

Jody Snyder asked Kyle to repeat the effective date. Kyle noted that we believe it will be in late April of 2018. Rod Whittaker asked about when the regulatory analysis is coming out. Kyle noted that it comes out with the CR-102 so around late November. The regulatory analysis includes the small business impact, cost-benefit burden analysis, and legislative criteria all as one publication. If we need additional documents to help clarify, we will post them on the website. Please reference the handouts for additional information and direct links.

Coordinated Prevention Grant (CPG) Rule Update:

The updated rule 173-312 was adopted by the Director on September 8 and is expected to go into effect October 9. Tami Ramsey discussed the notification process through the listserv and additional contact methods that were used to disseminate notice across the state and to any interested or affected parties.

Tami is working to finish a draft of the grant guidelines and will be reaching out to the stakeholders. She also is tasked with working on internal and external training for statewide consistency administering the grant program. Her goal is to complete this work before a budget is passed to fund the grants.

Tami also provided handouts regarding the rule update. One of the largest changes is the name of the grant. We updated CPG in the rule to be called Local Solid Waste Financial Assistance (LSWFA). The reason for the update was that it better reflects the purpose of funding and shows the tie to local government in the name.

We did not make any changes to applicant or project eligibility. We did try to simplify the explanation and we added language to provide a minimum funding for enforcement work. We replaced the offset cycle. We added language to reduce awards based on performance measures that won't be implemented before the 2019-2021 biennium. The first time reduction would happen in the 2021-23 biennium.

Laurie Davies noted that the revision to the funding formula generated the most public comment. The Governor's budget for 2017-2019 of 10 million would have reduced funding for solid waste enforcement so dramatically that some local health department would have eliminated solid waste enforcement work under the 80/20 split. We set the rule up so that in hard times we would be able to adjust the 80/20 split to ensure funding for enforcement. This is the second biennium that LSWFA has been reduced to a limited budget. The first biennium stakeholders helped develop the flexible

budgeting. The health directors wanted a change to how they are being funded; and wanted to mirror how the solid waste management side determines funding disbursements.

Public Participation Grant (PPG) Rule Update:

Lynn Gooding handed out a list of 2017-2019 successful grant applicants. Public Participant Grants are grants given to non-profit organizations for participation in solid waste management clean-ups and waste reduction/recycling programs. Due to budget reductions, last biennium Ecology did not receive any funding. We used the time to conduct a performance audit of the program. Based on the audit we decided to update the rule. We established an advisory group of stakeholders and worked with them from January through June of this year to update the rule. The stakeholders included nonprofits, interested parties, and other programs within Ecology.

The grants are competitive and ranked according to criteria listed in the guidelines. We received more applications than available funding. Lynn handed out the ranked list and noted that Ecology could only fund about half the eligible projects.

The revenue for PPG is from the Model Toxics Control Account (MTCA). Our funding has gone down proportionally as MTCA revenue decreases. PPG receives 1% of hazardous substance tax deposited in MTCA. The new rule also placed an emphasis on environmental justice.

Heather Trim gave Lynn and the program kudos for reviewing and replying to grants in a timely manner and was impressed with staff's turnaround time on the rule.

Understanding China's Waste Ban Impacts - Laurie Davies

China is implementing a ban on importing recyclable materials due to contamination. It is part of the green screen from back in 2013. They are broadening the list of items they will no longer accept starting in 2018. So far, several types of plastic, unsorted paper, and some types of metal are listed as being turned away. WRRRA noted almost 24 varieties of recyclables are on the list currently. Ecology was notified by MRFs, and businesses that are already feeling pinches despite the change not going officially into practice until 2018. MRFs are requesting to stockpile recyclables until they can decide about local recycling. Ecology asked W2RAC if they would be interested and willing to participate in a stakeholder process to address the issue and impact to local solid waste programs in Washington. W2RAC responded positively. Ecology is dedicating Allison Kingfisher to develop a stakeholder process and a list of participants by November 1. Allison will report back to the W2RAC at the November meeting.

Craig Lorch, Total Reclaim Inc. noted that the Institute of Scrap Recycling Industries Inc. (ISRI) is also watching this. We are expecting another announcement in October from China regarding a better definition for what will be banned. SWANA already did a white paper and is taking the issue on. Laurie noted that Ecology would work with SWANA through the Evergreen Chapter.

Roundtable

Steve Skinner, Lewis County Solid Waste asked Jan to send him information regarding the WRRLCA litter tax. He will take it to the Solid Waste Manager Committee Meeting and present it to other potential stakeholders. Laurie will send the white papers to Steve, and include Jan Gee's contact information. Steve Skinner noted that it will be by the end of this year.

Bryan McKinnon, Kitsap Public Health District noted that there is a NAHMMA Conference on October 18-19 in Troutdale, OR. Some of the main topics will be equity, pharmaceutical take-back, etc. He is encouraging everyone to attend if possible. Laurie also mentioned that we are starting to hear from local municipalities that are reducing or closing MRW sites due to lack of LSWFA funding.

Jan Gee, WFIA asked about pharmaceutical take-backs and whether manufacturers are keeping up with the waste stream volume. Bryan noted that only Kitsap, Snohomish, Pierce, and King Counties have ordinances regarding pharmaceutical takeback requirements.

Art Starry, Thurston County Environmental Health noted that the county is in the final stages of updating their Solid Waste Plan. Art also mentioned that they would like to become fully staffed but the county needs LSWFA funding for that to happen.

Lisa Sepanski, King County shared a project they are setting up to get a paint program in place. Business volunteers would provide a take-back service to customers who purchased latex paint from them. It is expected to begin in November and there will be an end-of-life fee for drop-offs.

Scott Windsor, City of Spokane noted that the Evergreen Chapter of SWANA provided a technical session on landfills near Spokane. Another session on landfills training will occur in Yakima the second week of October.

Kim Harless said Clark County recently hired Travis Dutton as Solid Waste Manager.

Rich McConnehy noted that the Clark County added \$1.43 per ton to tipping fees starting January 1, 2018 to make up for lack of CPG funding.

Andy Comstock, Tacoma Pierce Co. Health Department stated that the county expects pharmaceutical takeback to begin January 2018. With the four large counties, starting takeback ordinances over 50% of the state's population will be covered.

Jan Gee discussed packaging. Others mentioned the Zero Waste Plastics Conference yesterday, which talked about sustainable packaging (EPA program) and the WRAP program. There is talk about holding a Plastics Recycling Conference in the spring of 2018 in either Washington or Oregon.

Agenda Items for Future Meetings

China Waste Ban Stakeholder Update

Meeting adjourned at 2:30 p.m.

Submitted by: Johanna Painter