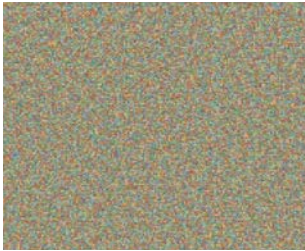


## Chapter 3 Legal and Policy Framework

A portion of the 75,000 shipping containers arriving in US ports every day.



Detail.



Click on thumbnail to view larger image.  
Click on larger image to close.

CHRIS JORDAN

**Running the Numbers**  
An American Self-Portrait  
*Shipping Containers, 2007*  
60"x100"

This chapter describes the legal and policy framework within which Waste ReSources functions. This includes several federal and State laws, and City ordinances and policies related to solid waste handling and disposition, planning, collection and transportation, and a new State electronics recycling law. Several challenges and opportunities arising from the legal framework are highlighted.

### SOLID WASTE HANDLING AND DISPOSITION

The two primary laws governing solid waste handling and disposition are the federal Resource Conservation and Recovery Act (RCRA) and Washington's Solid Waste Management Act. The State solid waste handling standards are administered locally by the Thurston County Board of Health.

#### Resource Conservation and Recovery Act (RCRA)

The RCRA is the basic federal law governing solid waste management, including hazardous and non-hazardous waste. Enacted in 1976 and amended in 1984, it establishes a regulatory structure for managing solid and hazardous wastes. This includes "cradle-to-grave" requirements for hazardous waste, from the point of generation to disposal, and less restrictive requirements for non-hazardous solid waste.

Subtitle C of the Act describes how to determine if a waste is hazardous, and specifies handling and disposal requirements for designated hazardous wastes. Household hazardous wastes (HHW) and small quantity generator wastes (SQGW) are not designated as hazardous wastes under RCRA.

Subtitle D of the Act addresses non-hazardous solid waste management. Under RCRA, state and local governments are identified as the primary planning, regulating and implementing entities for the management of non-hazardous solid waste. Subtitle D establishes minimum national criteria for all municipal solid waste landfills, including location restrictions; and requirements for operating and design, groundwater monitoring and corrective action, and closure and post-closure care.

#### State Solid Waste Management Act

Washington's primary solid waste management law is the Solid Waste Management Act (Chapter 70.95 RCW). In part, this law requires the Department of Ecology (Ecology) to adopt rules establishing minimum functional standards for solid waste handling. These minimum functional standards must at least meet RCRA national requirements.

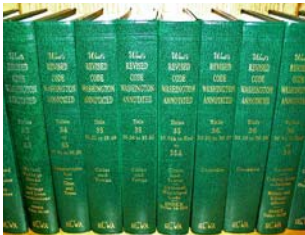
In 1985, Ecology adopted Minimum Functional Standards for Solid Waste Handling (Chapter 173-304 WAC) to regulate solid waste disposal and recycling. In response to new federal requirements enacted into law in 1991, mixed municipal solid waste landfill requirements have been rewritten under a separate rule, Chapter 173-351 WAC.

In addition, a new solid waste management rule, Solid Waste Handling Standards (Chapter 173-350 WAC), went into effect on February 10, 2003. This rule establishes standards for solid waste handling facilities other than municipal solid waste landfills; these include recycling and composting facilities, transfer stations and materials recycling facilities (MRFs).

Rules for hazardous (dangerous) wastes are covered in Chapter 173-303 WAC.

### Thurston County Board of Health Rules

Responsibility for enforcing the State's Minimum Functional Standards (Chapter 173-304 WAC) has been further delegated to local health departments. Thurston County's solid waste handling requirements are included in Article V – Rules and Regulations of the Thurston County Board of Health. The purpose of these regulations is to set standards for solid waste handling in Thurston County and to implement the County's comprehensive solid waste management plan. The Solid Waste Program of the Thurston County Public Health and Social Services Department implements the regulations.



*State law governs solid waste planning, handling and disposal.*

## SOLID WASTE PLANNING

The Solid Waste Management Act also establishes the roles of local governments and the State in solid waste planning and management (70.95.020 RCW). The purpose of this part of the Act is “to establish a comprehensive statewide program for solid waste handling, and solid waste recovery and/or recycling which will prevent land, air, and water pollution and conserve the natural, economic, and energy resources of this state.”

Each county is required to prepare a coordinated, comprehensive solid waste management plan looking ahead 20 years. Plans must include these elements:

- Inventory of current facilities and future facility needs.
- Program for developing needed facilities.
- Inventory and description of existing collection and operations systems, and needs for the future.
- Comprehensive waste reduction and recycling program.
- Cost assessment.

The Act also establishes waste management priorities, and requires that comprehensive plans provide programs to address the priorities (RCW 70.95.010 (8)). They are, in order of priority:

1. Waste reduction.
2. Recycling with source separation of recyclable materials as the preferred method.
3. Energy recovery, landfill and incineration of separated wastes.
4. Energy recovery, landfill and incineration of mixed municipal solid wastes.

Cities like Olympia have several options. They may choose to:

- Prepare a separate comprehensive plan and manage their solid waste separately from the county.
- Enter into an agreement with the county and participate in a joint city-county plan.
- Authorize the county to prepare a plan for the city's solid waste.

Olympia has chosen the second option, and is working with Thurston County to prepare a revision to the current comprehensive plan that meets the requirements of RCW 70.95. The City is represented on the County's Solid Waste Advisory Committee (SWAC), which includes an elected official from each jurisdiction, citizens, and waste and recycling industry representatives. Through the SWAC, Olympia is working to ensure that the Thurston County plan offers services and infrastructure that help optimize the City's Zero Waste goals.

The City has developed this Zero Waste Plan in order to provide a clear direction for its waste reduction, recycling and waste management policy and services. This Plan incorporates the County's plan, which meets State requirements for a coordinated, comprehensive plan, as a minimum standard. Because the City operates collection services directly, it has chosen to go further in some areas than the countywide plan.

## SOLID WASTE COLLECTION AND TRANSPORTATION

State law gives cities and towns the sole authority to provide solid waste collection service (RCW 35.21.120). Service may be offered directly by the city or by contract with private companies. This authority extends to all residential solid waste, including garbage, recyclables and organic materials, and to commercial garbage. However, it excludes authority over source-separated recyclables from commercial establishments.

Rules governing transportation of solid waste in Washington are addressed in Chapter 81.77 RCW. Entities collecting and hauling solid waste are required to obtain a certificate of convenience or necessity from the Washington State Utilities and Transportation Commission (WUTC). However, the rules do not apply in two cases:

1. Operation of any solid waste collection company under a contract of solid waste disposal with any city or town, nor to any city or town which itself undertakes the disposal of solid waste.” (RCW 81.77.020)
2. Collection and transportation of recyclables from industries and commercial establishments to processors. (RCW 81.77.010 (9))

In other words, RCW 81.77 does not currently apply to any part of Olympia’s solid waste collection system. The collection of commercial recyclables, provided by private companies, is exempt under (2) above, and the other services are provided by the City and are exempt under (1). (See [Chapter 4](#) for details about services provided by the City, County and private companies.)



*A new e-waste law requires manufacturers to pay for recycling of electronic products.*

## SPECIAL SOLID WASTE LAWS

The Washington State Electronics Recycling Act was enacted in 2005. It establishes a system for recycling computer monitors, computers and TVs. By January 2009, manufacturers must establish and finance convenient collection and recycling programs in urban and rural areas in each county in Washington. The recycling system must be available to all households, charities, small businesses, small governments and schools. The City may potentially have a role in implementing this system.

## OLYMPIA LAWS AND POLICIES

The City of Olympia’s solid waste laws and policies are set forth in the Olympia Municipal Code (OMC) and in Comprehensive Plan policies.

### Municipal Code

Garbage collection and disposal is mandatory within the City of Olympia. Olympia Municipal Code Title 13, Chapter 12 (OMC 13.12) provides that the collection, removal and disposal of garbage and refuse within the City is universal and compulsory, and may be performed by the Public Works Department or other agency designated by the City. Regulations in the OMC 13.12 include disposal requirements, collection frequency, container specifications, rates and recycling incentives.

## Waste Management Policy

Olympia’s *Comprehensive Plan* (1994) states that: “Olympia no longer simply collects trash from households and businesses and hauls it to the landfill for disposal. Rather, Olympia manages waste as a resource; a resource that creates jobs, diversifies the local economy, protects the environment, and creates a sustainable future for our citizens.” The *Comprehensive Plan* established three goals for solid waste management:

- **PF 17:** To manage waste to realize its full potential for environmental, economic, and social benefits.
- **PF 18:** To manage waste in a responsible and cost effective manner.
- **PF 19:** To minimize the environmental impacts of solid waste management.

After adoption of *Toward Zero Waste: Olympia’s Waste ReSources Plan*, the *Comprehensive Plan* will be amended to reflect the new or revised goals and policies.

Policies established for waste management within City government are discussed in [Chapter 5](#).

## CHALLENGES AND OPPORTUNITIES

Current laws and policies provide both challenges and opportunities for Olympia in moving toward Zero Waste.

### New Product Stewardship Legislation

The e-waste bill passed by the State legislature in 2006 represents an opportunity to coordinate with manufacturers to ensure that Olympia develops a satisfactory take-back network. It is also a model for developing future product stewardship programs for other products.

### City Authority for Waste Management

The City has considerable leeway for implementing its mandate to manage solid waste. While State law prohibits the City from offering exclusive collection service for commercial recycling, there are many opportunities to influence participation. For example, Olympia could follow Seattle and Portland’s lead and require a certain degree of recycling or the recycling of certain materials.

### Private Sector Challenges and Opportunities

Most traditional waste haulers see garbage as “their business,” while diversion is not. If recycling is required in some fashion, they would need to think about their businesses differently.

