



1       **Sec. 101.** RCW 70.93.020 and 1979 c 94 s 2 are each amended to read  
2 as follows:

3       The purpose of this chapter is to accomplish litter control and  
4 stimulate private recycling programs throughout this state by  
5 delegating to the department of ecology the authority to: (1) Conduct  
6 a permanent and continuous program to control and remove litter from  
7 this state to the maximum practical extent possible; (2) recover and  
8 recycle waste materials related to litter and littering; (3) foster  
9 private recycling and markets for recyclable materials; and (4)  
10 increase public awareness of the need for recycling and litter control.  
11 It is further the intent and purpose of this chapter to create jobs for  
12 employment of youth in litter cleanup and related activities and to  
13 stimulate and encourage small, private recycling centers. This program  
14 shall include the compatible goal of recovery of recyclable materials  
15 to conserve energy and natural resources wherever practicable. Every  
16 other department of state government and all local governmental units  
17 and agencies of this state shall cooperate with the department of  
18 ecology in the administration and enforcement of this chapter. The  
19 intent of this chapter is to add to and to coordinate existing  
20 recycling and litter control and removal efforts and not terminate or  
21 supplant such efforts.

22       **Sec. 102.** RCW 70.93.030 and 1979 c 94 s 3 are each amended to read  
23 as follows:

24       As used in this chapter unless the context indicates otherwise:

25       (1) "Department" means the department of ecology;

26       (2) "Director" means the director of the department of ecology;

27       (3) "Disposable package or container" means all packages or  
28 containers defined as such by rules and regulations adopted by the  
29 department of ecology;

1 (4) "Litter" means all waste material including but not limited to  
2 disposable packages or containers thrown or deposited as herein  
3 prohibited but not including the wastes of the primary processes of  
4 mining, logging, sawmilling, farming, or manufacturing;

5 (5) "Litter bag" means a bag, sack, or other container made of any  
6 material which is large enough to serve as a receptacle for litter  
7 inside the vehicle or watercraft of any person. It is not necessarily  
8 limited to the state approved litter bag but must be similar in size  
9 and capacity;

10 (6) "Litter receptacle" means those containers adopted by the  
11 department of ecology and which may be standardized as to size, shape,  
12 capacity, and color and which shall bear the state anti-litter symbol,  
13 as well as any other receptacles suitable for the depositing of litter;

14 (7) "Person" means any political subdivision, government agency,  
15 municipality, industry, public or private corporation, copartnership,  
16 association, firm, individual, or other entity whatsoever;

17 (8) "Recycling" means ~~((the process of separating, cleansing,~~  
18 ~~treating, and reconstituting used or discarded litter-related materials~~  
19 ~~for the purpose of recovering and reusing the resources contained~~  
20 ~~therein)) transforming or remanufacturing waste materials into usable~~  
21 ~~or marketable materials for use other than landfill disposal or~~  
22 ~~incineration;~~

23 (9) "Recycling center" means a central collection point for  
24 recyclable materials;

25 (10) "Vehicle" includes every device capable of being moved upon a  
26 public highway and in, upon, or by which any persons or property is or  
27 may be transported or drawn upon a public highway, excepting devices  
28 moved by human or animal power or used exclusively upon stationary  
29 rails or tracks;

1 (11) "Watercraft" means any boat, ship, vessel, barge, or other  
2 floating craft;

3 (12) "Public place" means any area that is used or held out for use  
4 by the public whether owned or operated by public or private interests.

5 NEW SECTION. **Sec. 103.** A new section is added to chapter 70.93  
6 RCW to read as follows:

7 (1) In addition to the assessment imposed in RCW 70.93.120, there  
8 is hereby levied and there shall be collected by the department of  
9 revenue from every person engaging within this state in business as a  
10 manufacturer and/or making sales at wholesale and/or making sales at  
11 retail, an annual litter assessment equal to the value of products  
12 manufactured and sold within this state, including by-products,  
13 multiplied by seven and one-half thousandths of one percent in the case  
14 of manufacturers, and equal to the gross proceeds of the sales of the  
15 business within this state multiplied by seven and one-half thousandths  
16 of one percent in the case of sales at wholesale and/or at retail.

17 (2) After July 1, 1994, package materials meeting the recycling and  
18 recycled content requirements under section 109 of this act shall be  
19 exempt from the assessment under this section. Products packaged in  
20 packaging materials meeting the requirements of section 109 of this act  
21 shall also be exempt from the assessment under this section.

22 **Sec. 104.** RCW 70.93.130 and 1971 ex.s. c 307 s 13 are each amended  
23 to read as follows:

24 Because it is the express purpose of this chapter to accomplish  
25 effective litter control within the state of Washington and because it  
26 is a further purpose of this chapter to allocate a portion of the cost  
27 of administering it to those industries whose products including the  
28 packages, wrappings, and containers thereof, are reasonably related to

1 the litter problem, in arriving at the amount upon which the assessment  
2 under RCW 70.93.120 is to be calculated only the value of products or  
3 the gross proceeds of sales of products falling into the following  
4 categories shall be included:

- 5 (1) Food for human or pet consumption.
- 6 (2) Groceries.
- 7 (3) Cigarettes and tobacco products.
- 8 (4) Soft drinks and carbonated waters.
- 9 (5) Beer and other malt beverages.
- 10 (6) Wine.
- 11 (7) Newspapers and magazines.
- 12 (8) Household paper and paper products.
- 13 (9) Glass containers.
- 14 (10) Metal containers.
- 15 (11) Plastic or fiber containers made of synthetic material.
- 16 (12) Cleaning agents and toiletries.
- 17 (13) Nondrug drugstore sundry products.

18 **Sec. 105.** RCW 70.93.150 and 1971 ex.s. c 307 s 15 are each amended  
19 to read as follows:

20 "Sold within this state" or "sales of the business within this  
21 state" as used in RCW 70.93.120 and in section 103 of this 1991 act  
22 shall mean all sales of retailers engaged in business within this state  
23 and all sales of products for use or consumption within this state in  
24 the case of manufacturers and wholesalers.

25 **Sec. 106.** RCW 70.93.180 and 1985 c 57 s 68 are each amended to  
26 read as follows:

27 There is hereby created an account within the state treasury to be  
28 known as the "litter control account". All assessments, fines, bail

1 forfeitures, and other funds collected or received pursuant to ((this  
2 chapter)) RCW 70.93.120 and 70.93.230 shall be deposited in the litter  
3 control account and used for the administration and implementation of  
4 this chapter except as required to be otherwise distributed under RCW  
5 70.93.070. All earnings of investments of balances in the litter  
6 control account shall be credited to the general fund.

7 NEW SECTION. **Sec. 107.** A new section is added to chapter 70.93  
8 RCW to read as follows:

9 There is hereby created an account within the state treasury to be  
10 known as the clean Washington account. All assessments, and other  
11 funds collected or received pursuant to sections 103 and 204 of this  
12 act and subject to appropriation, shall be deposited in the clean  
13 Washington account and used for the administration and implementation  
14 of the clean Washington center as established under section 203 of this  
15 act.

16 **Sec. 108.** RCW 70.95.030 and 1989 c 431 s 2 are each amended to  
17 read as follows:

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

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

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

21 (3) "Committee" means the state solid waste advisory committee.

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

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

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

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

4 (8) "Functional standards" means criteria for solid waste handling  
5 expressed in terms of expected performance or solid waste handling  
6 functions.

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

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

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

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

17 (13) "Person" means individual, firm, association, copartnership,  
18 political subdivision, government agency, municipality, industry,  
19 public or private corporation, or any other entity whatsoever.

20 (14) "Postconsumer recovered material" means those products or  
21 feedstocks that have served their intended end uses and that have been  
22 diverted from the solid waste stream for the purpose of recycling.  
23 Postconsumer recovered material does not mean mill broke that is  
24 returned to the production line without leaving the possession of the  
25 producer.

26 (15) "Recyclable materials" means those solid wastes that are  
27 separated for recycling or reuse, such as papers, metals, and glass,  
28 that are identified as recyclable material pursuant to a local  
29 comprehensive solid waste plan. Prior to the adoption of the local  
30 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),

1 local governments may identify recyclable materials by ordinance from  
2 July 23, 1989.

3 ~~((15))~~ (16) "Recycled content level" means the ratio obtained by  
4 dividing the weight of postconsumer recovered material contained in a  
5 product or package by the total weight of the product or package.

6 (17) "Recycling" means transforming or remanufacturing waste  
7 materials into usable or marketable materials for use other than  
8 landfill disposal or incineration.

9 ~~((16))~~ (18) "Recycling level" means the recycling rate for those  
10 commodities identified in the solid waste stream analysis and  
11 evaluation authorized under RCW 70.95.280.

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

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

23 ~~((18))~~ (21) "Source separation" means the separation of different  
24 kinds of solid waste at the place where the waste originates.

25 ~~((19))~~ (22) "Vehicle" includes every device physically capable of  
26 being moved upon a public or private highway, road, street, or  
27 watercourse and in, upon, or by which any person or property is or may  
28 be transported or drawn upon a public or private highway, road, street,  
29 or watercourse, except devices moved by human or animal power or used  
30 exclusively upon stationary rails or tracks.

1       (~~(20)~~) (23) "Waste reduction" means reducing the amount or  
2 toxicity of waste generated or reusing materials.

3       NEW SECTION.   **Sec. 109.**   A new section is added to chapter 70.95  
4 RCW to read as follows:

5       (1) By July 1, 1993, the department shall adopt rules specifying  
6 maximum practical recycling and recycled content levels for all  
7 packaging materials.   The department, in conjunction with the  
8 department of revenue, shall include provisions to certify compliance  
9 and to enforce the rules.   The department shall periodically review and  
10 update the rules as it deems appropriate.

11       (2) Effective July 1, 1995, manufacturers of packaging materials  
12 failing to meet specified recycling and recycled content levels shall  
13 be notified of the failure by the department.   A packaging material,  
14 and any product contained therein, not meeting specified recycling and  
15 recycled content levels within twenty-four months of such notice shall  
16 not be sold or distributed within the state unless the department deems  
17 that such a prohibition may jeopardize public health or safety or is  
18 otherwise not in the public interest.   The department shall adopt rules  
19 establishing a process to prohibit a packaging material.

20       (3) No enforcement action for the sale or use of any packaging  
21 material may be taken against any retailer within six months following  
22 the prohibition of a packaging material under this section.

23       NEW SECTION.   **Sec. 110.**   Unless the context clearly requires  
24 otherwise, the definitions in this section apply throughout sections  
25 111 and 112 of this act.

1 (1) "Container," unless otherwise specified, refers to "rigid  
2 plastic container" or "plastic bottle" as those terms are defined in  
3 this section.

4 (2) "Distributors" means those persons engaged in the distribution  
5 of packaged goods for sale in the state of Washington, including  
6 manufacturers, wholesalers, and retailers.

7 (3) "Label" means a molded, imprinted, or raised symbol on or near  
8 the bottom of a plastic container or bottle.

9 (4) "Person" means an individual, sole proprietor, partnership,  
10 association, or other legal entity.

11 (5) "Plastic" means a material made of polymeric organic compounds  
12 and additives that can be shaped by flow.

13 (6) "Plastic bottle" means a plastic container intended for single  
14 use that has a neck that is smaller than the body of the container,  
15 accepts a screw-type, snap cap, or other closure and has a capacity of  
16 sixteen fluid ounces or more, but less than five gallons.

17 (7) "Rigid plastic container" means a formed or molded container,  
18 other than a bottle, intended for single use, composed predominantly of  
19 plastic resin, and having a relatively inflexible finite shape or form  
20 with a capacity of eight ounces or more but less than five gallons.

21 NEW SECTION. **Sec. 111.** (1) The provisions of this section and  
22 any rules adopted under this section shall be interpreted to conform  
23 with nation-wide plastics industry standards.

24 (2) On or after January 1, 1992, no person may distribute, sell, or  
25 offer for sale in this state a plastic bottle or rigid plastic  
26 container unless the container is labeled with a code identifying the  
27 appropriate resin type used to produce the structure of the container.  
28 The code shall consist of a number placed within three triangulated

1 arrows and letters placed below the triangle of arrows. The  
2 triangulated arrows shall be equilateral, formed by three arrows with  
3 the apex of each point of the triangle at the midpoint of each arrow,  
4 rounded with a short radius. The pointer (arrowhead) of each arrow  
5 shall be at the midpoint of each side of the triangle with a short gap  
6 separating the pointer from the base of the adjacent arrow. The  
7 triangle, formed by the three arrows curved at their midpoints shall  
8 depict a clockwise path around the code number. The numbers and  
9 letters used shall be as follows:

- 10 (a) 1. = PETE (polyethylene terephthalate)
- 11 (b) 2. = HDPE (high density polyethylene)
- 12 (c) 3. = V (vinyl)
- 13 (d) 4. = LDPE (low density polyethylene)
- 14 (e) 5. = PP (polypropylene)
- 15 (f) 6. = PS (polystyrene)
- 16 (g) 7. = OTHER

17 NEW SECTION. **Sec. 112.** (1) After being notified that a plastic  
18 container does not comply with section 111 of this act, a person who  
19 violates section 111 of this act is subject to a civil penalty of fifty  
20 dollars for each violation up to a maximum of five hundred dollars and  
21 may be enjoined from continuing violations. Each distribution  
22 constitutes a separate offense.

23 (2) Distributors shall have two years from the effective date of  
24 this section to clear current inventory, delivered or received and held  
25 in their possession as of the effective date of this section.  
26 Distributors shall not be subject to subsection (1) of this section for  
27 sale of such inventory.

1        NEW SECTION.    **Sec. 113.**        The legislature finds and declares that:

2        (1) The management of solid waste can pose a wide range of hazards  
3 to public health and safety and to the environment;

4        (2) Packaging comprises a significant percentage of the overall  
5 solid waste stream;

6        (3) The presence of heavy metals in packaging is a part of the  
7 total concern in light of their likely presence in emissions or ash  
8 when packaging is incinerated, or in leachate when packaging is  
9 landfilled;

10       (4) Lead, mercury, cadmium, and hexavalent chromium, on the basis  
11 of available scientific and medical evidence, are of particular  
12 concern;

13       (5) It is desirable as a first step in reducing the toxicity of  
14 packaging waste to eliminate the addition of these heavy metals to  
15 packaging; and

16       (6) The intent of this chapter is to achieve this reduction in  
17 toxicity without impeding or discouraging the expanded use of  
18 postconsumer materials in the production of packaging and its  
19 components.

20       NEW SECTION.    **Sec. 114.**        Unless the context clearly requires  
21 otherwise, the definitions in this section apply throughout this  
22 chapter.

23       (1) "Package" means a container providing a means of marketing,  
24 protecting, or handling a product and shall include a unit package, an  
25 intermediate package, and a shipping container as defined in ASTM D996.  
26 "Package" also means and includes unsealed receptacles such as carrying  
27 cases, crates, cups, pails, rigid foil and other trays, wrappers and  
28 wrapping films, bags, and tubs.

1 (2) "Manufacturer" means a person, firm, or corporation who applies  
2 a package to a product for distribution or sale.

3 (3) "Packaging component" means an individual assembled part of a  
4 package such as, but not limited to, any interior or exterior blocking,  
5 bracing, cushioning, weatherproofing, exterior strapping, coatings,  
6 closures, inks, and labels.

7 NEW SECTION. **Sec. 115.** (1) As soon as feasible but not later  
8 than two years after the effective date of this section, no package or  
9 packaging component may be offered for sale or for promotional purposes  
10 by its manufacturer or distributor in the state of Washington, that  
11 includes, in the package itself or in any packaging component, inks,  
12 dyes, pigments, adhesives, stabilizers, or any other additives, any  
13 lead, cadmium, mercury, or hexavalent chromium that has been  
14 intentionally introduced as an element during manufacturing or  
15 distribution as opposed to the incidental presence of any of these  
16 elements.

17 (2) As soon as feasible but not later than two years after the  
18 effective date of this section, no product may be offered for sale or  
19 for promotional purposes by its manufacturer or distributor in the  
20 state of Washington in a package that includes, in the package itself  
21 or in any of its packaging components, inks, dyes, pigments, adhesives,  
22 stabilizers, or any other additives, any lead, cadmium, mercury, or  
23 hexavalent chromium that has been intentionally introduced as an  
24 element during manufacturing or distribution as opposed to the  
25 incidental presence of any of these elements.

26 (3) The sum of the concentration levels of lead, cadmium, mercury,  
27 and hexavalent chromium present in any package or packaging component  
28 shall not exceed the following:

1 (a) 600 parts per million by weight effective two years after the  
2 effective date of this section;

3 (b) 250 parts per million by weight effective three years after the  
4 effective date of this section; and

5 (c) 100 parts per million by weight effective four years after the  
6 effective date of this section.

7 NEW SECTION. **Sec. 116.** All packages and packaging components  
8 shall be subject to this chapter except the following:

9 (1) Those packages or package components with a code indicating  
10 date of manufacture that were manufactured prior to the effective date  
11 of this section;

12 (2) Those packages or packaging components that have been purchased  
13 by, delivered to, or are possessed by a retailer on or before twenty-  
14 four months following the effective date of this section to permit  
15 opportunity to clear existing inventory of the proscribed packaging  
16 material;

17 (3) Those packages or packaging components to which lead, cadmium,  
18 mercury, or hexavalent chromium have been added in the manufacturing,  
19 forming, printing, or distribution process in order to comply with  
20 health or safety requirements of federal law or for which there is no  
21 feasible alternative; or

22 (4) Packages and packaging components that would not exceed the  
23 maximum contaminant levels set forth in section 115(3) of this act but  
24 for the addition of postconsumer materials; and provided that the  
25 exemption for this subsection shall expire six years after the  
26 effective date of this section.

1        NEW SECTION.    **Sec. 117.**        As soon as feasible but not later than  
2 two years after the effective date of this section, a certificate of  
3 compliance stating that a package or packaging component is in  
4 compliance with the requirements of this chapter shall be developed by  
5 its manufacturer, provided, however, where compliance is achieved under  
6 the exemption or exemptions provided in section 116 (3) or (4) of this  
7 act, the certificate shall state the specific basis upon which the  
8 exemption is claimed. The certificate of compliance shall be signed by  
9 an authorized official of the manufacturing company. The certificate  
10 of compliance shall be kept on file by the manufacturer for as long as  
11 the package or packaging component is in use, and for three years from  
12 the date of the last sale or distribution by the manufacturer.  
13 Certificates of compliance, or copies thereof, shall be furnished to  
14 the department of ecology upon request within sixty days. If  
15 manufacturers are required under any other state statute to provide a  
16 certificate of compliance, one certificate may be developed containing  
17 all required information.

18        If the manufacturer or supplier of the package or packaging  
19 component reformulates or creates a new package or packaging component,  
20 the manufacturer shall develop an amended or new certificate of  
21 compliance for the reformulated or new package or packaging component.

22        NEW SECTION.    **Sec. 118.**        Requests from a member of the public for  
23 any certificate of compliance shall be:

24        (1) Made in writing to the department of ecology;

25        (2) Made specific as to package or packaging component information  
26 requested; and

27        (3) Responded to by the department of ecology within ninety days.

1        NEW SECTION.    **Sec. 119.**        The department of ecology may suspend  
2 the sale of any package for which a manufacturer has failed to respond  
3 to a request by the department for a certificate of compliance within  
4 the allotted period of time pursuant to section 117 of this act.

5        NEW SECTION.    **Sec. 120.**        The packaging subcommittee of the solid  
6 waste advisory committee shall review the effectiveness of this chapter  
7 in its third annual report to the legislature.    The report shall  
8 contain recommendations to add other toxic substances contained in  
9 packaging to the list set forth in this chapter, including but not  
10 limited to mutagens, carcinogens, and teratogens, in order to further  
11 reduce the toxicity of packaging waste, and shall contain a  
12 recommendation regarding imposition of penalty for violation of section  
13 115 of this act, and shall contain a recommendation whether to continue  
14 the recycling exemption as it is provided for in section 116 of this  
15 act.

16        **Sec. 121.**    RCW 70.95C.120 and 1989 c 431 s 54 are each amended to  
17 read as follows:

18        The office of waste reduction shall develop, in consultation with  
19 the superintendent of public instruction, an awards program to  
20 ~~((achieve waste reduction and))~~ promote recycling in the public  
21 schools, grades kindergarten through high school.    The office shall  
22 develop guidelines for program development and implementation.    Each  
23 public school shall implement a ~~((waste reduction and))~~ recycling  
24 program conforming to guidelines developed by the office.

25        For the purpose of granting awards, the office may group schools  
26 into not more than three classes, based upon student population,  
27 distance to markets for recyclable materials, and other criteria, as

1 deemed appropriate by the office. Except as otherwise provided, five  
2 or more awards shall be granted to each of the three classes. Each  
3 award shall be a sum of not less than two thousand dollars nor more  
4 than five thousand dollars. Awards shall be granted each year to the  
5 schools that achieve the greatest levels of ~~((waste reduction and))~~  
6 recycling. ~~((Each))~~ A single award ~~((shall be of a sum))~~ of not less  
7 than ten thousand dollars shall be presented to the school having the  
8 best recycling program as determined by the office. ~~((The office shall~~  
9 ~~also develop recommendations for an awards program for waste reduction~~  
10 ~~in the public schools. The office shall submit these recommendations~~  
11 ~~to the appropriate standing committees in the house of representatives~~  
12 ~~and senate on or before November 30, 1989.))~~

13 The superintendent of public instruction shall distribute  
14 guidelines and other materials developed by the office to implement  
15 programs to reduce and recycle waste generated in administrative  
16 offices, classrooms, laboratories, cafeterias, and maintenance  
17 operations.

18 NEW SECTION. Sec. 122. Sections 110 through 112 of this act are  
19 each added to chapter 70.95C RCW.

20 NEW SECTION. Sec. 123. Sections 113 through 120 of this act  
21 shall constitute a new chapter in Title 70 RCW.

22 PART II

23 CLEAN WASHINGTON CENTER

1        NEW SECTION.    **Sec. 201.**    FINDINGS--POLICY.        (1) The legislature

2 finds that:

3        (a) Recycling conserves energy and landfill space, provides jobs  
4 and valuable feedstock materials to industry, and promotes health and  
5 environmental protection;

6        (b) Seventy-eight percent of the citizens of the state actively  
7 participate in recycling programs and Washington currently has the  
8 highest recycling rate in the nation;

9        (c) Recycling programs provide feedstock to industry;

10       (d) Many local governments and private entities cumulatively  
11 affect, and are affected by, the market for recycled commodities but  
12 have limited jurisdiction and cannot adequately address the problems of  
13 market development that are complex, wide-ranging, and regional in  
14 nature; and

15       (e) The private sector has the greatest capacity for creating and  
16 expanding markets for recyclable commodities, and the development of  
17 private markets for recycled commodities is in the public interest.

18       (2) It is therefore the policy of the state to create an entity,  
19 within the department of trade and economic development to be known as  
20 the "clean Washington center" for the purpose of assisting businesses  
21 to develop new and expanded markets for recyclable commodities.

22       NEW SECTION.    **Sec. 202.**    DEFINITIONS.        Unless the context

23 clearly requires otherwise, the definitions in this section apply  
24 throughout this chapter.

25       (1) "Board" means the board of directors of the center.

26       (2) "Center" means the clean Washington center.

27       (3) "Work plan" means the annual plan developed by the center.

1 (4) "Market development" means expanding the use of postconsumer  
2 recyclable materials by commercial and industrial entities.

3 NEW SECTION. **Sec. 203.** BOARD MEMBERSHIP. (1) There is  
4 established the clean Washington center within the department of trade  
5 and economic development to consist of eleven members. Except as  
6 otherwise provided, board members shall be appointed by the governor as  
7 follows:

8 (a) Two members to represent the legislature, one member appointed  
9 by the speaker of the house of representatives and one member appointed  
10 by the president of the senate;

11 (b) Two members to represent local government;

12 (c) Six members to represent the private sector;

13 (d) The director of the department of trade and economic  
14 development shall represent the executive branch as an ex officio  
15 member.

16 (2) Members representing the legislature and local government shall  
17 serve two-year renewable terms; members representing the private sector  
18 shall serve three-year renewable terms. Vacancies shall be filled by  
19 the chair with majority consent from the board.

20 (3) Members, exclusive of those representing the legislative or  
21 executive branches, shall be reimbursed for travel expenses as provided  
22 in RCW 43.03.050 and 43.03.060.

23 (4) The chair shall be selected from among the members by a simple  
24 majority vote.

25 NEW SECTION. **Sec. 204.** POWERS. In order to carry out its  
26 responsibilities under this chapter, the center may:

1 (1) Receive such gifts, grants, funds, fees, and endowments, in  
2 trust or otherwise, for the use and benefit of the purposes of the  
3 center. The center may expend the same or any income therefrom  
4 according to the terms of the gifts, grants, or endowments;

5 (2) Obtain and disseminate information relating to market  
6 development for recyclable materials from other state and local  
7 agencies;

8 (3) Enter into, amend, and terminate contracts with individuals,  
9 corporations, or research institutions for the purposes of this  
10 chapter;

11 (4) Provide grants to local governments and nonprofit  
12 organizations;

13 (5) Evaluate, analyze, and make recommendations on state policies  
14 that may affect markets for recyclable materials; and

15 (6) Adopt and exercise bylaws for the regulation of business for  
16 the purposes of this chapter.

17 NEW SECTION. **Sec. 205.** DUTIES. The center shall:

18 (1) Develop an annual work plan. The plan shall describe actions  
19 and recommendations for developing markets for commodities comprising  
20 a significant percentage of the waste stream and having potential for  
21 use as an industrial or commercial feedstock. The plan shall specify  
22 amounts, types, sources, and end uses of recycled material targeted for  
23 remanufacture. The initial plan shall, at a minimum, address mixed  
24 waste paper, yard and food waste, and plastics. The center shall  
25 submit its annual work plan to the legislature by December 1 of each  
26 year;

27 (2) Provide business and marketing assistance, as requested, to  
28 private sector entities within the state;

1 (3) Conduct appropriate public hearings and otherwise seek to  
2 broadly disseminate information concerning market development for  
3 recyclable materials;

4 (4) Represent the state in market development issues at the local,  
5 regional, and national levels; and

6 (5) Initiate, conduct, or contract for studies and searches  
7 relating to market development for recyclable materials, including but  
8 not limited to applied research, technology transfer, and pilot  
9 demonstration projects.

10 NEW SECTION. **Sec. 206.** ADVISORY COMMITTEES. The board may  
11 appoint advisory committees to assist in the development or  
12 implementation of the work plan.

13 NEW SECTION. **Sec. 207.** CAPTIONS NOT LAW. Section headings as  
14 used in this chapter do not constitute any part of the law.

15 NEW SECTION. **Sec. 208.** A new section is added to chapter 43.131  
16 RCW to read as follows:

17 The clean Washington center and its powers and duties shall be  
18 terminated on June 30, 1995.

19 NEW SECTION. **Sec. 209.** A new section is added to chapter 43.131  
20 RCW to read as follows:

21 The following acts or parts of acts, as now existing or hereafter  
22 amended, are each repealed, effective June 30, 1996:

- 1 (1) RCW 70.----.--- and 1991 c ---, s 201 (section 201 of this act);  
2 (2) RCW 70.----.--- and 1991 c ---, s 202 (section 202 of this act);  
3 (3) RCW 70.----.--- and 1991 c ---, s 203 (section 203 of this act);  
4 (4) RCW 70.----.--- and 1991 c ---, s 204 (section 204 of this act);  
5 (5) RCW 70.----.--- and 1991 c ---, s 205 (section 205 of this act);  
6 (6) RCW 70.----.--- and 1991 c ---, s 206 (section 206 of this act);  
7 and  
8 (7) RCW 70.----.--- and 1991 c ---, s 207 (section 207 of this act).

9 **Sec. 210.** RCW 43.31.545 and 1989 c 431 s 64 are each amended to  
10 read as follows:

11 ~~((1))~~ The department is the lead state agency to assist in  
12 establishing and improving markets for recyclable materials generated  
13 in the state. This priority on creating and expanding a recyclables  
14 market should be fully integrated into the current targeted sector  
15 marketing programs of the department. In carrying out these marketing  
16 responsibilities, the department shall work closely with the office of  
17 waste reduction in the department of ecology.

18 ~~((2) The department of trade and economic development, with the  
19 assistance of the department of ecology and the committee for recycling  
20 markets created by RCW 43.31.552, shall develop programs to accomplish  
21 the following:~~

22 ~~(a) Develop new markets inside and outside this state for recycled  
23 materials;~~

24 ~~(b) Attract new businesses to this state whose purpose is to use  
25 recycled materials;~~

26 ~~(c) Educate businesses and consumers about the high quality of  
27 Washington recycled materials;~~

28 ~~(d) Promote business and consumer use of products made from  
29 recycled materials;~~



1 (b) The improper collection, transportation, recycling, use, or  
2 disposal of used oil contributes to the pollution of air, water, and  
3 land, and endangers public health and welfare;

4 (c) The private sector is a vital resource in the collection and  
5 recycling of used oil and should be involved in its collection and  
6 recycling whenever practicable.

7 (2) In light of the harmful consequences of improper disposal and  
8 use of used oil, and its value as a resource, the legislature declares  
9 that the collection, recycling, and reuse of used oil is in the public  
10 interest.

11 NEW SECTION. **Sec. 302.** DEFINITIONS. Unless the context  
12 clearly requires otherwise, the definitions in this section apply  
13 throughout this chapter.

14 (1) "Used oil" means: (a) Lubricating fluids that have been  
15 removed from an engine crankcase, transmission, gearbox, hydraulic  
16 device, or differential of an automobile, bus, truck, vessel, plane,  
17 heavy equipment, or machinery powered by an internal combustion engine;

18 (b) any oil that has been refined from crude oil, used, and as a result  
19 of use, has been contaminated with physical or chemical impurities; and

20 (c) any oil that has been refined from crude oil and, as a consequence  
21 of extended storage, spillage, or contamination, is no longer useful to  
22 the original purchaser.

23 (2) "Public used oil collection site" means a site where a used oil  
24 collection tank has been placed for the purpose of collecting household  
25 generated used oil. "Public used oil collection site" also means a  
26 vehicle designed or operated to collect used oil from the public.

27 (3) "Lubricating oil" means any oil designed for use in, or  
28 maintenance of, a vehicle, including, but not limited to, motor oil,

1 gear oil, and hydraulic oil. "Lubricating oil" does not mean petroleum  
2 hydrocarbons with a flash point below --- degrees Centigrade.

3 (4) "Vehicle" includes every device physically capable of being  
4 moved upon a public or private highway, road, street, watercourse, or  
5 trail, and in, upon, or by which any person or property is or may be  
6 transported or drawn upon a public or private highway, road, street,  
7 watercourse, or trail, except devices moved by human or animal power.

8 (5) "Department" means the department of ecology.

9 NEW SECTION. **Sec. 303.** PUBLIC USED OIL COLLECTION. (1) Each  
10 local government, or combination of contiguous local governments shall  
11 amend its local hazardous waste plan required under RCW 70.105.220 to  
12 include a used oil recycling element. This element shall include:

13 (a) A plan to reach the local goals for household used oil  
14 recycling established by the local government and the department under  
15 section 304 of this act. The plan shall, to the maximum extent  
16 possible, incorporate voluntary agreements with the private sector and  
17 state agencies to provide sites for the collection of used oil;

18 (b) A plan for enforcing the sign and container ordinances required  
19 by section 305 of this act;

20 (c) A plan for public education on used oil recycling; and

21 (d) An estimate of funding needed to implement the requirements of  
22 this chapter. This estimate shall include a budget reserve for  
23 disposal of contaminated oil detected at any public used oil collection  
24 site administered by the local government.

25 (2) By July 1, 1993, each local government or combination of  
26 contiguous local governments shall submit its used oil recycling  
27 element to the department. The department shall approve or disapprove

1 the used oil recycling element by January 1, 1994, or within ninety  
2 days of submission, whichever is later.

3 (3) Each local government, or combination of contiguous local  
4 governments, shall submit an annual statement to the department  
5 describing the number of used oil collection sites and the quantity of  
6 household used oil recycled for the jurisdiction during the previous  
7 calendar year. The first statement shall be due on December 31, 1994.  
8 Subsequent statements shall be due on December 1 of each year.

9 NEW SECTION. **Sec. 304.** RECYCLING GOALS. (1) By July 1, 1992, the  
10 department shall, in conjunction with local governments, prepare  
11 guidelines for the used oil recycling elements required by section 303  
12 of this act. The guidelines shall:

13 (a) Develop an annual state-wide recycling goal for household used  
14 oil collection;

15 (b) Develop local recycling goals for household used oil for each  
16 entity preparing a used oil recycling element under section 302 of this  
17 act;

18 (c) Recommend the number of used oil collection sites needed to  
19 meet the local goals;

20 (d) Develop equipment and operating standards for public used oil  
21 collection sites; and

22 (e) Identify state locations suitable as public used oil collection  
23 sites.

24 (2) The department may waive all or part of the specific  
25 requirements of section 303 of this act if a local government  
26 demonstrates to the satisfaction of the department that the objectives  
27 of this chapter have been met.

1 (3) The department may prepare and implement a used oil recycling  
2 plan for any local government failing to complete the used oil  
3 recycling element of the plan.

4 NEW SECTION. **Sec. 305.** SIGNS AND CONTAINERS. (1) A person  
5 annually selling one thousand or more gallons of lubricating oil to  
6 ultimate consumers for use or installation off the premises, or five  
7 hundred or more vehicle oil filters to ultimate consumers for use or  
8 installation off the premises within a city or county having an  
9 approved used oil recycling element, shall:

10 (a) Post and maintain at or near the point of sale, durable and  
11 legible signs informing the public of the importance of used oil  
12 recycling and how and where used oil may be properly recycled,  
13 including locations and hours of operation of nearby public used oil  
14 collection sites; and

15 (b) Provide for sale at or near the display location of the  
16 lubricating oil or vehicle oil filters, household used oil recycling  
17 containers. The department shall design and print the signs required by  
18 this section, and shall make them available to local governments and  
19 retail outlets.

20 (2) A person, who, after notice, violates this section is guilty of  
21 a misdemeanor and on conviction is subject to a fine not to exceed one  
22 thousand dollars.

23 (3) The department is responsible for notifying retailers subject  
24 to this section.

25 NEW SECTION. **Sec. 306.** STATE-WIDE EDUCATION. The department shall  
26 conduct a public education program to inform the public of the needs

1 for and benefits of collecting and recycling used oil in order to  
2 conserve resources and protect the environment. As part of this  
3 program, the department shall:

4 (1) Establish and maintain a state-wide list of public used oil  
5 collection sites, and a list of all persons coordinating local  
6 government used oil programs;

7 (2) Establish and maintain a state-wide toll-free telephone number  
8 to inform callers of the closest available public used oil collection  
9 site;

10 (3) Establish a state-wide media campaign describing used oil  
11 recycling;

12 (4) Assist local governments in providing public education and  
13 awareness programs concerning used oil by providing technical  
14 assistance and education materials; and

15 (5) Encourage the establishment of voluntary used oil collection  
16 and recycling programs, including public-private partnerships, and  
17 provide technical assistance to persons organizing such programs.

18 NEW SECTION. **Sec. 307.** DISPOSAL OF USED OIL. (1) Effective  
19 January 1, 1992, the use of used oil for dust suppression or weed  
20 abatement is prohibited.

21 (2) Effective July 1, 1992, no person may sell or distribute fiber  
22 based kits as a means for collecting, recycling, or disposing of used  
23 oil.

24 (3) Effective January 1, 1994, no person may knowingly dispose of  
25 used oil except by delivery to a person collecting used oil for  
26 recycling, treatment, or disposal, subject to the provisions of this  
27 chapter and chapter 70.105 RCW, or as provided for by the department.

1 (4) Effective January 1, 1994, no owner or operator of a solid  
2 waste landfill or incinerator may knowingly accept used oil for  
3 disposal in the landfill or incinerator, except as provided for by the  
4 department.

5 (5) A person who violates this section is guilty of a misdemeanor.

6 NEW SECTION. **Sec. 308.** USED OIL TRANSPORTER REQUIREMENTS. (1)

7 By January 1, 1993, and annually thereafter, a person in the business  
8 of transporting used oil shall notify the department that the  
9 transporter is in compliance with this chapter and any rules adopted by  
10 the department, or any other state or federal agency, regarding the  
11 transportation of used oil.

12 (2) By July 1, 1992, the department shall adopt rules, in  
13 conjunction with the utilities and transportation commission, to  
14 implement this section. Rules shall include, but not be limited to:

15 (a) Minimum tracking and recordkeeping requirements, including the  
16 issuance of receipts to collectors of used oil and verification of  
17 delivery to authorized facilities; and

18 (b) Appropriate financial assurances.

19 (3) The department shall charge fees to applicants to cover the  
20 administrative costs of implementing this section. Fees shall be  
21 deposited into the local toxics account created in RCW 70.105D.070(1).

22 (4) Any person who knowingly transports used oil for compensation  
23 without a license required under this section shall be guilty of a  
24 gross misdemeanor.

25 NEW SECTION. **Sec. 309.** CAPTIONS NOT LAW. Section headings as  
26 used in this chapter do not constitute any part of the law.

1        NEW SECTION.    **Sec. 310.**    SHORT TITLE.        This chapter shall be  
2 known and may be cited as the used oil recycling act.

3        NEW SECTION.    **Sec. 311.**    A new section is added to chapter 70.94  
4 RCW to read as follows:

5        MARKET DEVELOPMENT--BURNING USED OIL FUEL IN LAND-BASED  
6 FACILITIES.        (1) Except as provided in subsection (3) of this  
7 section, a person may not burn used oil as fuel in a land-based  
8 facility or in state waters unless the used oil meets the following  
9 standards:

- 10        (a) Cadmium: 2 ppm maximum
- 11        (b) Chromium: 10 ppm maximum
- 12        (c) Lead: 100 ppm maximum
- 13        (d) Arsenic: 5 ppm maximum
- 14        (e) Total halogens: 1000 ppm maximum
- 15        (f) Polychlorinated biphenyls: 2 ppm maximum
- 16        (g) Ash: .1 percent maximum
- 17        (h) Sulfur: 1.0 percent maximum
- 18        (i) Flash point: 100 degrees Fahrenheit minimum.

19        (2) Effective July 1, 1995, the standard for lead shall be fifty  
20 parts per million.

21        (3) This section shall not apply to used oil burned in space  
22 heaters if the space heater has a maximum heat output of not greater  
23 than 0.5 million btu's per hour.

24        NEW SECTION.    **Sec. 312.**    A new section is added to chapter 70.105  
25 RCW to read as follows:

1 Local governments and combinations of local governments shall amend  
2 their local hazardous waste plans required under RCW 70.105.220 to  
3 comply with section 303 of this act.

4 NEW SECTION. **Sec. 313.** The following acts or parts of acts are  
5 each repealed:

- 6 (1) RCW 19.114.010 and 1983 c 137 s 1;
- 7 (2) RCW 19.114.020 and 1983 c 137 s 2;
- 8 (3) RCW 19.114.030 and 1983 c 137 s 3; and
- 9 (4) RCW 19.114.900 and 1983 c 137 s 5.

10 NEW SECTION. **Sec. 314.** RCW 19.114.040 is recodified as a  
11 section in chapter 70.-- RCW (sections 301 through 310 of this act).

12 NEW SECTION. **Sec. 315.** Sections 301 through 310 of this act  
13 shall constitute a new chapter in Title 70 RCW.

14 PART IV

15 MISCELLANEOUS

16 NEW SECTION. **Sec. 401.** Part headings as used in this act do not  
17 constitute any part of the law.

18 NEW SECTION. **Sec. 402.** The sum of ..... dollars, or as much  
19 thereof as may be necessary, is appropriated for the biennium ending

1 June 30, 1993, from the clean Washington account to the department of  
2 trade and economic development for the purposes of assisting business  
3 develop markets for recyclable materials.

4 NEW SECTION. **Sec. 403.** The sum of ..... dollars, or as much  
5 thereof as may be necessary, is appropriated for the biennium ending  
6 June 30, 1993, from the clean Washington account to the department of  
7 ecology for the purpose of implementing section 109 of this act.

8 NEW SECTION. **Sec. 404.** If any provision of this act or its  
9 application to any person or circumstance is held invalid, the  
10 remainder of the act or the application of the provision to other  
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 405.** Sections 113 through 120 of this act are  
13 necessary for the immediate preservation of the public peace, health,  
14 or safety, or support of the state government and its existing public  
15 institutions, and shall take effect immediately.