

2 SHB 1459 - H COMM AMD **Adopted 3-20-91**

3 By Committee on Revenue

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "PART I
8 PACKAGING"

9 "Sec. 101. RCW 70.93.020 and 1979 c 94 s 2 are each amended to
10 read as follows:

11 The purpose of this chapter is to accomplish litter control and
12 stimulate private recycling programs throughout this state by
13 delegating to the department of ecology the authority to:

14 (1) Conduct a permanent and continuous program to control and
15 remove litter from this state to the maximum practical extent possible;

16 (2) Recover and recycle waste materials related to litter and
17 littering;

18 (3) Foster private recycling and markets for recyclable materials;
19 and

20 (4) Increase public awareness of the need for recycling and litter
21 control. It is further the intent and purpose of this chapter to
22 create jobs for employment of youth in litter cleanup and related
23 activities and to stimulate and encourage small, private recycling
24 centers. This program shall include the compatible goal of recovery of
25 recyclable materials to conserve energy and natural resources wherever
26 practicable. Every other department of state government and all local
27 governmental units and agencies of this state shall cooperate with the
28 department of ecology in the administration and enforcement of this

1 chapter. The intent of this chapter is to add to and to coordinate
2 existing recycling and litter control and removal efforts and not
3 terminate or supplant such efforts."

4 "Sec. 102. RCW 70.93.030 and 1979 c 94 s 3 are each amended to
5 read as follows:

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

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

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

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

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

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

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

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

28 (8) "Recycling" means ~~((the process of separating, cleansing,~~
29 ~~treating, and reconstituting used or discarded litter-related materials~~

1 ~~for the purpose of recovering and reusing the resources contained~~
2 ~~therein)) transforming or remanufacturing waste materials into a~~
3 ~~finished product for use other than landfill disposal or incineration;~~

4 (9) "Recycling center" means a central collection point for
5 recyclable materials;

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

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

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

16 "NEW SECTION. Sec. 103. The department shall conduct a study to
17 determine the average cost of collecting and disposing of packaging
18 materials not being recycled at a rate of fifty percent or more. Costs
19 of collecting and disposing of packaging materials requiring special
20 handling, or otherwise incurring extraordinary costs may be evaluated
21 separately. The department shall report the results of its study to
22 the appropriate standing committees of the legislature on or before
23 November 1, 1991."

24 "NEW SECTION. Sec. 104. Unless the context clearly requires
25 otherwise, the definitions in this section apply throughout this
26 chapter.

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. 105. (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) Except as provided in section 106(2) of this act, after January
25 1, 1992, no person may distribute, sell, or offer for sale in this
26 state a plastic bottle or rigid plastic container unless the container
27 is labeled with a code identifying the appropriate resin type used to
28 produce the structure of the container. The code shall consist of a
29 number placed within three triangulated arrows and letters placed below

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

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

16 "NEW SECTION. Sec. 106. (1) A person who, after written notice
17 from the department, violates section 105 of this act is subject to a
18 civil penalty of fifty dollars for each violation up to a maximum of
19 five hundred dollars and may be enjoined from continuing violations.
20 Each distribution constitutes a separate offense.

21 (2) Distributors shall have two years from the effective date of
22 this section to clear current inventory, delivered or received and held
23 in their possession as of the effective date of this section."

24 "NEW SECTION. Sec. 107. The legislature finds and declares that:

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

27 (2) Packaging comprises a significant percentage of the overall
28 solid waste stream;

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

5 (4) Lead, mercury, cadmium, and hexavalent chromium, on the basis
6 of available scientific and medical evidence, are of particular
7 concern;

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

11 (6) The intent of this chapter is to achieve this reduction in
12 toxicity without impeding or discouraging the expanded use of
13 postconsumer materials in the production of packaging and its
14 components."

15 "NEW SECTION. Sec. 108. Unless the context clearly requires
16 otherwise, the definitions in this section apply throughout this
17 chapter.

18 (1) "Package" means a container providing a means of marketing,
19 protecting, or handling a product and shall include a unit package, an
20 intermediate package, and a shipping container. "Package" also means
21 and includes unsealed receptacles such as carrying cases, crates, cups,
22 pails, rigid foil and other trays, wrappers and wrapping films, bags,
23 and tubs.

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

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

1 "NEW SECTION. Sec. 109. (1) By July 1, 1993, no package or
2 packaging component may be offered for sale or for promotional purposes
3 by its manufacturer or distributor in the state of Washington, that
4 includes, in the package itself or in any packaging component, inks,
5 dyes, pigments, adhesives, stabilizers, or any other additives,
6 containing lead, cadmium, mercury, or hexavalent chromium in excess of
7 the amounts allowed under subsection (3) of this section.

8 (2) By July 1, 1993, no product may be offered for sale or for
9 promotional purposes by its manufacturer or distributor in the state of
10 Washington in a package that includes, in the package itself or in any
11 of its packaging components, inks, dyes, pigments, adhesives,
12 stabilizers, or any other additives, containing any lead, cadmium,
13 mercury, or hexavalent chromium in excess of the amount allowed under
14 subsection (3) of this section.

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

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

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

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

24 This subsection shall apply to lead, cadmium, mercury, and
25 hexavalent chromium that has been intentionally introduced as an
26 element during manufacturing or distribution as opposed to the
27 incidental presence of any of these elements."

28 "NEW SECTION. Sec. 110. All packages and packaging components
29 shall be subject to this chapter except the following:

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

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

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

14 (4) Those packages and packaging components that would not exceed
15 the maximum contaminant levels set forth in section 109(3) of this act
16 but for the addition of postconsumer materials; and provided that the
17 exemption for this subsection shall expire six years after the
18 effective date of this section."

19 "NEW SECTION. Sec. 111. By July 1, 1993, a certificate of
20 compliance stating that a package or packaging component is in
21 compliance with the requirements of this chapter shall be developed by
22 its manufacturer, provided, however, where compliance is achieved under
23 the exemption or exemptions provided in section 110 (3) or (4) of this
24 act, the certificate shall state the specific basis upon which the
25 exemption is claimed. The certificate of compliance shall be signed by
26 an authorized official of the manufacturing company. The certificate
27 of compliance shall be kept on file by the manufacturer for as long as
28 the package or packaging component is in use, and for three years from
29 the date of the last sale or distribution by the manufacturer.

1 Certificates of compliance, or copies thereof, shall be furnished to
2 the department of ecology upon request within sixty days. If
3 manufacturers are required under any other state statute to provide a
4 certificate of compliance, one certificate may be developed containing
5 all required information.

6 If the manufacturer or supplier of the package or packaging
7 component reformulates or creates a new package or packaging component,
8 the manufacturer shall develop an amended or new certificate of
9 compliance for the reformulated or new package or packaging component."

10 "NEW SECTION. Sec. 112. Requests from a member of the public for
11 any certificate of compliance shall be:

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

13 (2) Made specific as to package or packaging component information
14 requested; and

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

16 "NEW SECTION. Sec. 113. The department of ecology may prohibit
17 the sale of any package for which a manufacturer has failed to respond
18 to a request by the department for a certificate of compliance within
19 the allotted period of time pursuant to section 111 of this act."

20 "NEW SECTION. Sec. 114. By July 1, 1995, the solid waste
21 advisory committee created under chapter 70.95 RCW shall report to the
22 appropriate standing committees of the legislature on the effectiveness
23 of reducing toxic metals from packaging. The report shall contain
24 recommendations to add other toxic substances contained in packaging to
25 the list set forth in this chapter, including but not limited to
26 mutagens, carcinogens, and teratogens, in order to further reduce the
27 toxicity of packaging waste, and shall contain a recommendation

1 regarding imposition of penalty for violation of section 109 of this
2 act, and a recommendation whether or not to continue the recycling
3 exemption as it is provided for in section 110 of this act."

4 "Sec. 115. RCW 70.95C.120 and 1989 c 431 s 54 are each amended to
5 read as follows:

6 The office of waste reduction shall develop, in consultation with
7 the superintendent of public instruction, an awards program to achieve
8 waste reduction and recycling in the public schools, grades
9 kindergarten through high school. The office shall develop guidelines
10 for program development and implementation. Each public school shall
11 implement a waste reduction and recycling program conforming to
12 guidelines developed by the office.

13 For the purpose of granting awards, the office may group schools
14 into not more than three classes, based upon student population,
15 distance to markets for recyclable materials, and other criteria, as
16 deemed appropriate by the office. Except as otherwise provided, five
17 or more awards shall be granted to each of the three classes. Each
18 award shall be a sum of not less than two thousand dollars nor more
19 than five thousand dollars. Awards shall be granted each year to the
20 schools that achieve the greatest levels of waste reduction and
21 recycling. ~~((Each))~~ A single award ~~((shall be of a sum))~~ of not less
22 than ~~((ten))~~ five thousand dollars shall be presented to the school
23 having the best recycling program as determined by the office. A
24 single award of not less than five thousand dollars shall be presented
25 to the school having the best waste reduction program as determined by
26 the office. ~~((The office shall also develop recommendations for an~~
27 ~~awards program for waste reduction in the public schools. The office~~
28 ~~shall submit these recommendations to the appropriate standing~~

1 ~~committees in the house of representatives and senate on or before~~
2 ~~November 30, 1989.)~~)

3 The superintendent of public instruction shall distribute
4 guidelines and other materials developed by the office to implement
5 programs to reduce and recycle waste generated in administrative
6 offices, classrooms, laboratories, cafeterias, and maintenance
7 operations."

8 "NEW SECTION. Sec. 116. Sections 103 through 114 of this act
9 shall constitute a new chapter in Title 70 RCW."

10 "PART II

11 CLEAN WASHINGTON CENTER"

12 "NEW SECTION. Sec. 201. FINDINGS--POLICY. (1) The legislature
13 finds that:

14 (a) Recycling conserves energy and landfill space, provides jobs
15 and valuable feedstock materials to industry, and promotes health and
16 environmental protection;

17 (b) Most of the citizens of the state actively participate in
18 recycling programs and Washington currently has the highest recycling
19 rate in the nation;

20 (c) Many local governments and private entities cumulatively
21 affect, and are affected by, the market for recycled commodities but
22 have limited jurisdiction and cannot adequately address the problems of
23 market development that are complex, wide-ranging, and regional in
24 nature; and

25 (d) The private sector has the greatest capacity for creating and
26 expanding markets for recyclable commodities, and the development of
27 private markets for recycled commodities is in the public interest.

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

5 "NEW SECTION. Sec. 202. DEFINITIONS. Unless the context clearly
6 requires otherwise, the definitions in this section apply throughout
7 this chapter.

8 (1) "Center" means the clean Washington center.

9 (2) "End user" means a commercial or industrial entity that
10 manufactures products.

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

12 (4) "Market development" means expanding the use of postconsumer
13 recyclable materials by commercial and industrial entities for the
14 manufacture of new, finished products."

15 "NEW SECTION. Sec. 203. The purpose of the center is to provide
16 or facilitate basic and applied research and development, marketing
17 assistance, public education, and policy analysis in furthering the
18 development of markets for recycled products. As used in this chapter,
19 market development consists of public and private activities that are
20 used to overcome impediments preventing full use of secondary materials
21 diverted from the waste stream, and that encourage and expand use of
22 those materials and subsequent products. In fulfilling this mission
23 the center shall primarily direct its services to recycling businesses,
24 which as used in this chapter mean those businesses engaged in
25 transforming or remanufacturing waste materials into usable or
26 marketable materials or products for use other than landfill disposal
27 or incineration."

1 "NEW SECTION. **Sec. 204.** MEMBERSHIP. (1) There is established the
2 clean Washington center within the department of trade and economic
3 development to consist of eleven members. Except as otherwise provided,
4 members shall be appointed by the director of the department of trade
5 and economic development as follows:

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

9 (b) Two members to represent local government;

10 (c) Six private sector members to represent the end users and
11 marketers of postconsumer recovered materials;

12 (d) The directors of the departments of trade and economic
13 development and ecology shall represent the executive branch as ex
14 officio members.

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

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

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

24 "NEW SECTION. **Sec. 205.** POWERS. In order to carry out its
25 responsibilities under this chapter, the center may:

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

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

4 (3) Enter into, amend, and terminate contracts with individuals,
5 corporations, or research institutions for the purposes of this
6 chapter;

7 (4) Provide grants to local governments and nonprofit
8 organizations;

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

11 (6) Adopt and exercise bylaws for the regulation of its business
12 for the purposes of this chapter."

13 "NEW SECTION. Sec. 206. DUTIES. The center shall:

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

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

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

29 (4) Represent the state in market development issues; and

1 (5) Initiate, conduct, or contract for studies and searches
2 relating to market development for recyclable materials, including but
3 not limited to applied research, technology transfer, and pilot
4 demonstration projects."

5 "NEW SECTION. **Sec. 207.** ADVISORY COMMITTEES. The members of the
6 clean Washington center may appoint advisory committees to assist in
7 the development or implementation of the work plan."

8 "NEW SECTION. **Sec. 208.** CAPTIONS NOT LAW. Section headings as
9 used in this chapter do not constitute any part of the law."

10 "NEW SECTION. **Sec. 209.** A new section is added to chapter 43.131
11 RCW to read as follows:

12 The clean Washington center and its powers and duties shall be
13 terminated on June 30, 1995, as provided in section 210 of this act."

14 "NEW SECTION. **Sec. 210.** A new section is added to chapter 43.131
15 RCW to read as follows:

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

18 (1) RCW 70.---.--- and 1991 c ---, s 201 (section 201 of this act);

19 (2) RCW 70.---.--- and 1991 c ---, s 202 (section 202 of this act);

20 (3) RCW 70.---.--- and 1991 c ---, s 203 (section 203 of this act);

21 (4) RCW 70.---.--- and 1991 c ---, s 204 (section 204 of this act);

22 (5) RCW 70.---.--- and 1991 c ---, s 205 (section 205 of this act);

23 (6) RCW 70.---.--- and 1991 c ---, s 206 (section 206 of this act);

24 (7) RCW 70.---.--- and 1991 c ---, s 207 (section 207 of this act);

25 and

1 (8) RCW 70.----.--- and 1991 c ---, s 208 (section 208 of this
2 act)."

3 "NEW SECTION. **Sec. 211.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 43.31.545 and 1989 c 431 s 64;

6 (2) RCW 43.31.552 and 1989 c 431 s 100;

7 (3) RCW 43.31.554 and 1989 c 431 s 101; and

8 (4) RCW 43.31.556 and 1990 c 127 s 1 & 1989 c 431 s 102."

9 "NEW SECTION. **Sec. 212.** Sections 201 through 208 of this act
10 shall constitute a new chapter in Title 70 RCW."

11 "PART III
12 USED OIL RECYCLING"

13 "NEW SECTION. **Sec. 301.** INTENT. (1) The legislature finds that:

14 (a) Millions of gallons of used oil are generated each year in this
15 state, and used oil is a valuable petroleum resource that can be
16 recycled;

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

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

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

1 (3) The department, when appropriate, should promote the rerefining
2 of used oil in its grants, public education, regulatory, and other
3 programs."

4 "NEW SECTION. Sec. 302. DEFINITIONS. Unless the context clearly
5 requires otherwise, the definitions in this section apply throughout
6 this chapter.

7 (1) "Rerefining used oil" means the reclaiming of base lube stock
8 from used oil for use again in the production of lube stock.
9 Rerefining used oil does not mean combustion or landfilling.

10 (2) "Used oil" means: (a) Lubricating fluids that have been
11 removed from an engine crankcase, transmission, gearbox, hydraulic
12 device, or differential of an automobile, bus, truck, vessel, plane,
13 heavy equipment, or machinery powered by an internal combustion engine;
14 (b) any oil that has been refined from crude oil, used, and as a result
15 of use, has been contaminated with physical or chemical impurities; and
16 (c) any oil that has been refined from crude oil and, as a consequence
17 of extended storage, spillage, or contamination, is no longer useful to
18 the original purchaser.

19 (3) "Public used oil collection site" means a site where a used oil
20 collection tank has been placed for the purpose of collecting household
21 generated used oil. "Public used oil collection site" also means a
22 vehicle designed or operated to collect used oil from the public.

23 (4) "Lubricating oil" means any oil designed for use in, or
24 maintenance of, a vehicle, including, but not limited to, motor oil,
25 gear oil, and hydraulic oil. "Lubricating oil" does not mean petroleum
26 hydrocarbons with a flash point below one hundred degrees Centigrade.

27 (5) "Vehicle" includes every device physically capable of being
28 moved upon a public or private highway, road, street, watercourse, or
29 trail, and in, upon, or by which any person or property is or may be

1 transported or drawn upon a public or private highway, road, street,
2 watercourse, or trail, except devices moved by human or animal power.

3 (6) "Department" means the department of ecology.

4 (7) "Local government" means a city or county developing a local
5 hazardous waste plan under RCW 70.105.220."

6 "NEW SECTION. Sec. 303. PUBLIC USED OIL COLLECTION. (1) Each
7 local government and its local hazardous waste plan under RCW
8 70.105.220 is required to include a used oil recycling element. This
9 element shall include:

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

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

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

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

24 (2) By July 1, 1993, each local government or combination of
25 contiguous local governments shall submit its used oil recycling
26 element to the department. The department shall approve or disapprove
27 the used oil recycling element by January 1, 1994, or within ninety
28 days of submission, whichever is later. The department shall approve
29 or disapprove the used oil recycling element if it determines that the

1 element is consistent with this chapter and the guidelines developed by
2 the department under section 304 of this act.

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 April 1, 1994.
8 Subsequent statements shall be due April 1st of each year."

9 "NEW SECTION. Sec. 304. RECYCLING GOALS. (1) By July 1, 1992,
10 the department shall, in consultation 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) Require development of local collection and rerefining goals
14 for household used oil for each entity preparing a used oil recycling
15 element under section 303 of this act;

16 (b) Require local government to recommend the number of used oil
17 collection sites needed to meet the local goals. The department shall
18 establish criteria regarding minimum levels of used oil collection
19 sites;

20 (c) Require local government to identify locations suitable as
21 public used oil collection sites as described under section 303(1)(a)
22 of this act.

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

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

1 (4) The department shall develop state-wide collection and
2 rerefining goals for household used oil for each calendar year
3 beginning with calendar year 1994. Goals shall be based on the
4 estimated state-wide collection and rerefining rate for calendar year
5 1993, and shall increase each year until calendar year 1996, when the
6 rate shall be eighty percent.

7 (5) By July 1, 1993, the department shall prepare guidelines
8 establishing state-wide equipment and operating standards for public
9 used oil collection sites. Standards shall:

10 (a) Allow the use of used oil collection igloos and other types of
11 portable used oil collection tanks;

12 (b) Prohibit the disposal of nonhousehold-generated used oil;

13 (c) Limit the amount of used oil deposited to five gallons per
14 household per day;

15 (d) Ensure adequate protection against leaks and spills; and

16 (e) Include other requirements deemed appropriate by the
17 department."

18 "NEW SECTION. **Sec. 305.** SIGNS AND CONTAINERS. (1) A person
19 annually selling one thousand or more gallons of lubricating oil to
20 ultimate consumers for use or installation off the premises, or five
21 hundred or more vehicle oil filters to ultimate consumers for use or
22 installation off the premises within a city or county having an
23 approved used oil recycling element, shall:

24 (a) Post and maintain at or near the point of sale, durable and
25 legible signs informing the public of the importance of used oil
26 recycling and how and where used oil may be properly recycled; and

27 (b) Provide for sale at or near the display location of the
28 lubricating oil or vehicle oil filters, household used oil recycling
29 containers. The department shall design and print the signs required by

1 this section, and shall make them available to local governments and
2 retail outlets.

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

6 (3) The department is responsible for notifying retailers subject
7 to this section.

8 (4) A city or county may adopt household used oil recycling
9 container standards in order to ensure compatibility with local
10 recycling programs.

11 (5) Each local government preparing a used oil recycling element
12 of a local hazardous waste plan pursuant to section 303 of this act
13 shall adopt ordinances within its jurisdiction to enforce subsections
14 (1) and (4) of this section."

15 "NEW SECTION. Sec. 306. STATE-WIDE EDUCATION. The department
16 shall conduct a public education program to inform the public of the
17 needs for and benefits of collecting and recycling used oil in order to
18 conserve resources and protect the environment. As part of this
19 program, the department shall:

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

23 (2) Establish a state-wide media campaign describing used oil
24 recycling;

25 (3) Assist local governments in providing public education and
26 awareness programs concerning used oil by providing technical
27 assistance and education materials; and

1 (4) Encourage the establishment of voluntary used oil collection
2 and recycling programs, including public-private partnerships, and
3 provide technical assistance to persons organizing such programs."

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

7 (2) Effective July 1, 1992, no person may sell or distribute
8 absorbent based kits, intended for home use, as a means for collecting,
9 recycling, or disposing of used oil.

10 (3) Effective January 1, 1994, no person may knowingly dispose of
11 used oil except by delivery to a person collecting used oil for
12 recycling, treatment, or disposal, subject to the provisions of this
13 chapter and chapter 70.105 RCW.

14 (4) Effective January 1, 1994, no owner or operator of a solid
15 waste landfill may knowingly accept used oil for disposal in the
16 landfill.

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

18 "NEW SECTION. **Sec. 308.** USED OIL TRANSPORTER AND PROCESSOR
19 REQUIREMENTS. (1) By January 1, 1993, the department shall adopt rules
20 requiring any transporter of used oil to comply with minimum notifi-
21 cation, invoicing, recordkeeping, and reporting requirements. For the
22 purpose of this section, a transporter means a person engaged in the
23 off-site transportation of used oil in quantities greater than twenty-
24 five gallons per day.

25 (2) By January 1, 1993, the department shall adopt minimum
26 standards for used oil that is blended into fuels. Standards shall, at
27 a minimum, establish testing and recordkeeping requirements. Unless
28 otherwise exempted, a processor is any person involved in the

1 marketing, blending, mixing, or processing of used oil to produce fuel
2 to be burned for energy recovery.

3 (3) Any person who knowingly transports used oil without meeting
4 the requirements of this section shall be subject to civil penalties
5 under chapter 70.105 RCW."

6 "NEW SECTION. Sec. 309. CAPTIONS NOT LAW. Section headings as
7 used in this chapter do not constitute any part of the law."

8 "NEW SECTION. Sec. 310. SHORT TITLE. This chapter shall be known
9 and may be cited as the used oil recycling act."

10 "NEW SECTION. Sec. 311. A new section is added to chapter 70.94
11 RCW to read as follows:

12 MARKET DEVELOPMENT--BURNING USED OIL FUEL IN LAND-BASED FACILITIES.

13 (1) Except as provided in subsection (2) of this section, a person may
14 not burn used oil as fuel in a land-based facility or in state waters
15 unless the used oil meets the following standards:

16 (a) Cadmium: 2 ppm maximum

17 (b) Chromium: 10 ppm maximum

18 (c) Lead: 100 ppm maximum

19 (d) Arsenic: 5 ppm maximum

20 (e) Total halogens: 1000 ppm maximum

21 (f) Polychlorinated biphenyls: 2 ppm maximum

22 (g) Ash: .1 percent maximum

23 (h) Sulfur: 1.0 percent maximum

24 (i) Flash point: 100 degrees Fahrenheit minimum.

25 (2) This section shall not apply to: (a) Used oil burned in space
26 heaters if the space heater has a maximum heat output of not greater
27 than 0.5 million btu's per hour or used oil burned in facilities

1 permitted by the department or a local air pollution control authority;
2 or (b) ocean-going vessels.

3 (3) This section shall not apply to persons in the business of
4 collecting used oil from residences when under authorization by a city,
5 county, or the utilities and transportation commission."

6 "NEW SECTION. Sec. 312. A new section is added to chapter 70.105
7 RCW to read as follows:

8 Local governments and combinations of local governments shall amend
9 their local hazardous waste plans required under RCW 70.105.220 to
10 comply with section 303 of this act."

11 "NEW SECTION. Sec. 313. The following acts or parts of acts are
12 each repealed:

13 (1) RCW 109.114.010 and 1983 c 137 s 1;

14 (2) RCW 19.114.020 and 1983 c 137 s 2;

15 (3) RCW 19.114.030 and 1983 c 137 s 3; and

16 (4) RCW 19.114.900 and 1983 c 137 s 5."

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

19 "NEW SECTION. Sec. 315. Sections 301 through 310 of this act
20 shall constitute a new chapter in Title 70 RCW."

21 "PART IV
22 MISCELLANEOUS"

23 "NEW SECTION. Sec. 401. Part headings as used in this act do not
24 constitute any part of the law."

1 **"Sec. 402.** RCW 70.95.040 and 1987 c 115 s 1 are each amended to
2 read as follows:

3 (1) There is created a solid waste advisory committee to provide
4 consultation to the department of ecology concerning matters covered by
5 this chapter. The committee shall advise on the development of
6 programs and regulations for solid and dangerous waste handling,
7 resource recovery, and recycling, and shall supply recommendations
8 concerning methods by which existing solid and dangerous waste
9 handling, resource recovery, and recycling practices and the laws
10 authorizing them may be supplemented and improved.

11 (2) The committee shall consist of at least eleven members,
12 including the assistant director for (~~the division of solid~~) waste
13 management programs within the department. The director shall appoint
14 (~~ten~~) members with due regard to the interests of the public, local
15 government, tribes, agriculture, industry, public health, recycling
16 industries, and the refuse removal and resource recovery industries.
17 (~~The director shall include among his ten appointees representatives~~
18 ~~of activities from which dangerous wastes arise and the Washington~~
19 ~~state patrol's hazardous materials technical advisory committee.)) The
20 term of appointment shall be determined by the director. The committee
21 shall elect its own (~~chairman~~) chair and meet at least four times a
22 year, in accordance with such rules of procedure as it shall establish.
23 Members shall receive no compensation for their services but shall be
24 reimbursed their travel expenses while engaged in business of the
25 committee in accordance with RCW 43.03.050 and 43.03.060 as now
26 existing or hereafter amended.~~

27 (3) The committee shall each year recommend to the governor a
28 recipient for a "governor's award of excellence" which the governor
29 shall award for outstanding achievement by an industry, company, or
30 individual in the area of hazardous waste or solid waste management."

1 "NEW SECTION. **Sec. 403.** If specific funding for the purposes of
2 this act, referencing this act by bill number, is not provided by June
3 30, 1991, in the omnibus appropriations act, this act shall be null and
4 void."

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

9 "NEW SECTION. **Sec. 405.** This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of the
11 state government and its existing public institutions, and shall take
12 effect immediately."

13 **SHB 1459** - H COMM AMD
14 By Committee on Revenue

15
16 On page 1, line 1 of the title, after "recycling;" strike the
17 remainder of the title and insert "amending RCW 70.93.020, 70.93.030,
18 70.95C.120, and 70.95.040; adding new sections to chapter 43.131 RCW;
19 adding a new section to chapter 70.94 RCW; adding a new section to
20 chapter 70.105 RCW; adding new chapters to Title 70 RCW; creating new
21 sections; recodifying RCW 19.114.040; repealing RCW 70.----.----, 70.---
22 .----, 70.----.----, 70.----.----, 70.----.----, 70.----.----, 70.---
23 -.----, 43.31.545, 43.31.552, 43.31.554, 43.31.556, 19.114.010,
24 19.114.020, 19.114.030, and 19.114.900; prescribing penalties; and
25 declaring an emergency."