

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

1 department of ecology in the administration and enforcement of this
2 chapter. The intent of this chapter is to add to and to coordinate
3 existing recycling and litter control and removal efforts and not
4 terminate or supplant such efforts."

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

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

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

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

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

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

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

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

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

1 (8) "Recycling" means ~~((the process of separating, cleansing,~~
2 ~~treating, and reconstituting used or discarded litter-related materials~~
3 ~~for the purpose of recovering and reusing the resources contained~~
4 ~~therein))~~ transforming or remanufacturing waste materials into a
5 finished product for use other than landfill disposal or incineration;

6 (9) "Recycling center" means a central collection point for
7 recyclable materials;

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

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

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

18 "NEW SECTION. Sec. 103. Unless the context clearly requires
19 otherwise, the definitions in this section apply throughout this
20 chapter.

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

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

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

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

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

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

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

13 "NEW SECTION. Sec. 104. (1) The provisions of this section and
14 any rules adopted under this section shall be interpreted to conform
15 with nation-wide plastics industry standards.

16 (2) Except as provided in section 105(2) of this act, after January
17 1, 1992, no person may distribute, sell, or offer for sale in this
18 state a plastic bottle or rigid plastic container unless the container
19 is labeled with a code identifying the appropriate resin type used to
20 produce the structure of the container. The code shall consist of a
21 number placed within three triangulated arrows and letters placed below
22 the triangle of arrows. The triangulated arrows shall be equilateral,
23 formed by three arrows with the apex of each point of the triangle at
24 the midpoint of each arrow, rounded with a short radius. The pointer
25 (arrowhead) of each arrow shall be at the midpoint of each side of the
26 triangle with a short gap separating the pointer from the base of the
27 adjacent arrow. The triangle, formed by the three arrows curved at
28 their midpoints shall depict a clockwise path around the code number.
29 The numbers and letters used shall be as follows:

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

8 "NEW SECTION. Sec. 105. (1) A person who, after written notice
9 from the department, violates section 104 of this act is subject to a
10 civil penalty of fifty dollars for each violation up to a maximum of
11 five hundred dollars and may be enjoined from continuing violations.
12 Each distribution constitutes a separate offense.

13 (2) Retailers and distributors shall have two years from the
14 effective date of this section to clear current inventory, delivered or
15 received and held in their possession as of the effective date of this
16 section."

17 "NEW SECTION. Sec. 106. The legislature finds and declares that:

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

20 (2) Packaging comprises a significant percentage of the overall
21 solid waste stream;

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

26 (4) Lead, mercury, cadmium, and hexavalent chromium, on the basis
27 of available scientific and medical evidence, are of particular
28 concern;

1 (5) The intent of this chapter is to achieve a reduction in
2 toxicity without impeding or discouraging the expanded use of
3 postconsumer materials in the production of packaging and its
4 components."

5 "NEW SECTION. **Sec. 107.** Unless the context clearly requires
6 otherwise, the definitions in this section apply throughout this
7 chapter.

8 (1) "Package" means a container providing a means of marketing,
9 protecting, or handling a product and shall include a unit package, an
10 intermediate package, and a shipping container. "Package" also means
11 and includes unsealed receptacles such as carrying cases, crates, cups,
12 pails, rigid foil and other trays, wrappers and wrapping films, bags,
13 and tubs.

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

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

20 "NEW SECTION. **Sec. 108.** The sum of the concentration levels of
21 lead, cadmium, mercury, and hexavalent chromium present in any product,
22 package, or packaging component shall not exceed the following:

23 (1) Six hundred parts per million by weight effective July 1, 1993;

24 (2) Two hundred fifty parts per million by weight effective July 1,
25 1994; and

26 (3) One hundred parts per million by weight effective July 1, 1995
27 after the effective date of this section.

1 This section shall apply only to lead, cadmium, mercury, and
2 hexavalent chromium that has been intentionally introduced as an
3 element during manufacturing or distribution."

4 "NEW SECTION. **Sec. 109.** All packages and packaging components
5 shall be subject to this chapter except the following:

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

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

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

19 (4) Those packages and packaging components that would not exceed
20 the maximum contaminant levels set forth in section 108(1) of this act
21 but for the addition of postconsumer materials; and provided that the
22 exemption for this subsection shall expire six years after the
23 effective date of this section."

24 "NEW SECTION. **Sec. 110.** By July 1, 1993, a certificate of
25 compliance stating that a package or packaging component is in
26 compliance with the requirements of this chapter shall be developed by
27 its manufacturer. If compliance is achieved under the exemption or
28 exemptions provided in section 109 (3) or (4) of this act, the

1 certificate shall state the specific basis upon which the exemption is
2 claimed. The certificate of compliance shall be signed by an
3 authorized official of the manufacturing company. The certificate of
4 compliance shall be kept on file by the manufacturer for as long as the
5 package or packaging component is in use, and for three years from the
6 date of the last sale or distribution by the manufacturer. Certificates
7 of compliance, or copies thereof, shall be furnished to the department
8 of ecology upon request within sixty days. If manufacturers are
9 required under any other state statute to provide a certificate of
10 compliance, one certificate may be developed containing all required
11 information.

12 If the manufacturer or supplier of the package or packaging
13 component reformulates or creates a new package or packaging component,
14 the manufacturer shall develop an amended or new certificate of
15 compliance for the reformulated or new package or packaging component."

16 "NEW SECTION. Sec. 111. Requests from a member of the public for
17 any certificate of compliance shall be:

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

19 (2) Made specific as to package or packaging component information
20 requested; and

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

22 "NEW SECTION. Sec. 112. The department of ecology may prohibit
23 the sale of any package for which a manufacturer has failed to respond
24 to a request by the department for a certificate of compliance within
25 the allotted period of time pursuant to section 110 of this act."

26 "NEW SECTION. Sec. 113. By July 1, 1993, the solid waste advisory
27 committee created under chapter 70.95 RCW shall report to the

1 appropriate standing committees of the legislature on the need to
2 further reduce toxic metals from packaging. The report shall contain
3 recommendations to add other toxic substances contained in packaging to
4 the list set forth in this chapter, including but not limited to
5 mutagens, carcinogens, and teratogens, in order to further reduce the
6 toxicity of packaging waste, and shall contain a recommendation
7 regarding imposition of penalty for violation of section 108 of this
8 act."

9 "Sec. 114. RCW 70.95C.120 and 1989 c 431 s 54 are each amended to
10 read as follows:

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

18 For the purpose of granting awards, the office may group schools
19 into not more than three classes, based upon student population,
20 distance to markets for recyclable materials, and other criteria, as
21 deemed appropriate by the office. Except as otherwise provided, five
22 or more awards shall be granted to each of the three classes. Each
23 award shall be a sum of not less than two thousand dollars nor more
24 than five thousand dollars. Awards shall be granted each year to the
25 schools that achieve the greatest levels of waste reduction and
26 recycling. ~~((Each))~~ A single award ~~((shall be of a sum))~~ of not less
27 than ~~((ten))~~ five thousand dollars shall be presented to the school
28 having the best recycling program as measured by the total amount of
29 materials recycled, including materials generated outside of the

1 school. A single award of not less than five thousand dollars shall be
2 presented to the school having the best waste reduction program as
3 determined by the office. ((The office shall also develop
4 ~~recommendations for an awards program for waste reduction in the public~~
5 ~~schools. The office shall submit these recommendations to the~~
6 ~~appropriate standing committees in the house of representatives and~~
7 ~~senate on or before November 30, 1989.))~~

8 The superintendent of public instruction shall distribute
9 guidelines and other materials developed by the office to implement
10 programs to reduce and recycle waste generated in administrative
11 offices, classrooms, laboratories, cafeterias, and maintenance
12 operations."

13 "NEW SECTION. Sec. 115. There is established the task force on
14 recycling funding. The task force shall consist of fourteen members as
15 follows: (1) Two members of the house committee on environmental
16 affairs appointed by the chair of that committee with one member from
17 each of the two caucuses; (2) two members of the senate committee on
18 environment and natural resources appointed by the chair of that
19 committee with one member from each of the two caucuses; (3) seven
20 members representing manufacturers, wholesalers, retailers, cities,
21 counties, solid waste collection companies, and an environmental
22 organization appointed jointly by the chairs of the house committee on
23 environmental affairs and the senate committee on environment and
24 natural resources; and (4) three members representing the departments
25 of ecology, trade and economic development, and revenue appointed by
26 their respective directors. The agency representatives shall be
27 nonvoting except for the election of the chair, which shall be made by
28 a simple majority vote of all members.

1 The task force shall study long-term funding mechanisms and develop
2 specific funding recommendations for the clean Washington center. The
3 task force shall report its findings and recommended legislation to
4 fund the clean Washington center to the appropriate standing committees
5 of the legislature no later than December 1, 1991. The task force
6 shall also study and make recommendations on long-term funding for
7 integrated systems to reduce, collect, recycle, and dispose of
8 materials.

9 This section shall expire January 1, 1993."

10 "NEW SECTION. Sec. 116. Sections 103 through 105 of this act and
11 sections 106 through 113 shall each constitute a new chapter in Title
12 70 RCW."

13 "PART II

14 CLEAN WASHINGTON CENTER"

15 "NEW SECTION. Sec. 201. (1) The legislature finds that:

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

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

22 (c) The current supply of many recycled commodities far exceeds the
23 demand for such commodities;

24 (d) Many local governments and private entities cumulatively
25 affect, and are affected by, the market for recycled commodities but
26 have limited jurisdiction and cannot adequately address the problems of

1 market development that are complex, wide-ranging, and regional in
2 nature; and

3 (e) The private sector has the greatest capacity for creating and
4 expanding markets for recycled commodities, and the development of
5 private markets for recycled commodities is in the public interest.

6 (2) It is therefore the policy of the state to create a single
7 entity to be known as the clean Washington center to develop new, and
8 expand existing, markets for recycled commodities."

9 "NEW SECTION. **Sec. 202.** There is created the clean Washington
10 center within the department of trade and economic development. As
11 used in this chapter, "center" means the clean Washington center."

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

24 "NEW SECTION. **Sec. 204.** (1) The center's activities shall be
25 conducted with the assistance of a policy board. Except as otherwise
26 provided, policy board members shall be appointed by the directors of

1 the department of trade and economic development and department of
2 ecology as follows:

3 (a) Two representatives of the legislature, one appointed by the
4 speaker of the house of representatives and one appointed by the
5 president of the senate;

6 (b) One member to represent cities;

7 (c) One member to represent counties;

8 (d) Five private sector members to represent the end users and
9 marketers of postconsumer recovered materials, including one member to
10 represent recycling businesses;

11 (e) The directors of the departments of trade and economic
12 development and ecology shall represent the executive branch as
13 nonvoting members; and

14 (f) Nonvoting, temporary appointments to the board can be made by
15 the chair where specific expertise is needed.

16 (2) The initial appointments of the five private sector members
17 will be two members with three-year terms and three members with two-
18 year terms. Thereafter, members shall serve two-year renewable terms.
19 Vacancies shall be filled by the chair with majority consent from the
20 members.

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

24 (4) The board shall meet at least quarterly.

25 (5) The chair shall be elected from among the members by a simple
26 majority vote.

27 (6) The board may adopt and exercise bylaws for the regulation of
28 its business for the purposes of this chapter."

29 "NEW SECTION. **Sec. 205.** The center shall:

1 (1) Provide targeted business assistance to recycling businesses,
2 including:

- 3 (a) Development of business plans;
- 4 (b) Market research and planning information;
- 5 (c) Access to financing programs;
- 6 (d) Referral and information on market conditions; and
- 7 (e) Information on new technology and product development;

8 (2) Negotiate voluntary agreements with manufacturers to increase
9 the use of recycled materials in product development;

10 (3) Support and provide research and development to stimulate and
11 commercialize new and existing technologies and products using recycled
12 materials;

13 (4) Undertake an integrated, comprehensive education effort
14 directed to recycling businesses to promote processing, manufacturing,
15 and purchase of recycled products, including:

- 16 (a) Provide information to recycling businesses on the availability
17 and benefits of using recycled materials;
- 18 (b) Provide information and referral services on recycled material
19 markets;
- 20 (c) Provide information on new research and technologies that may
21 be used by local businesses and governments; and
- 22 (d) Participate in projects to demonstrate new market uses or
23 applications for recycled products;

24 (5) Assist the departments of ecology and general administration in
25 the development of consistent definitions and standards on recycled
26 content, product performance, and availability;

27 (6) Undertake studies on the unmet capital needs of reprocessing
28 and manufacturing firms using recycled materials;

1 (7) Undertake and participating in marketing promotions for the
2 purposes of achieving expanded market penetration for recycled content
3 products;

4 (8) Coordinate with the department of ecology to ensure that the
5 education programs of both are mutually reinforcing, with the center
6 acting as the lead entity with respect to recycling businesses, and the
7 department as the lead entity with respect to the general public and
8 retailers;

9 (9) Develop an annual work plan. The plan shall describe actions
10 and recommendations for developing markets for commodities comprising
11 a significant percentage of the waste stream and having potential for
12 use as an industrial or commercial feedstock. The initial plan shall
13 address, but not be limited to, mixed waste paper, waste tires, yard
14 and food waste, and plastics; and

15 (10) Represent the state in regional and national market
16 development issues."

17 "NEW SECTION. **Sec. 206.** In order to carry out its
18 responsibilities under this chapter, the center may:

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

23 (2) Initiate, conduct, or contract for studies and searches
24 relating to market development for recyclable materials, including but
25 not limited to applied research, technology transfer, and pilot
26 demonstration projects;

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

1 (4) Enter into, amend, and terminate contracts with individuals,
2 corporations, trade associations, and research institutions for the
3 purposes of this chapter;

4 (5) Provide grants to local governments or other public
5 institutions to further the development of recycling markets;

6 (6) Provide business and marketing assistance to public and private
7 sector entities within the state; and

8 (7) Evaluate, analyze, and make recommendations on state policies
9 that may affect markets for recyclable materials."

10 "NEW SECTION. **Sec. 207.** The center shall solicit financial
11 contributions and support from manufacturing industries and other
12 private sector sources, foundations, and grants from governmental
13 sources to assist in conducting its activities. It may also use
14 separately appropriated funds of the department of trade and economic
15 development for the center's activities."

16 "NEW SECTION. **Sec. 208.** The center may appoint advisory
17 committees to assist in the development or implementation of the work
18 plan."

19 "NEW SECTION. **Sec. 209.** The center shall terminate on June 30,
20 1997."

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

23 ((+1)) The department is the lead state agency to assist in
24 establishing and improving markets for recyclable materials generated
25 in the state. ((This priority on creating and expanding a recyclables
26 market should be fully integrated into the current targeted sector

1 marketing programs of the department. In carrying out these marketing
2 responsibilities, the department shall work closely with the office of
3 waste reduction in the department of ecology.

4 (2) ~~The department of trade and economic development, with the~~
5 ~~assistance of the department of ecology and the committee for recycling~~
6 ~~markets created by RCW 43.31.552, shall develop programs to accomplish~~
7 ~~the following:~~

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

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

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

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

16 (e) ~~Provide technical market assistance to businesses and local~~
17 ~~governments;~~

18 (f) ~~Cooperate with and secure the cooperation of any department,~~
19 ~~agency, commission, or instrumentality in state or local government~~
20 ~~affected by or concerned with market development; and~~

21 (g) ~~Create and maintain a list of recyclers, collectors, and other~~
22 ~~persons or entities interested in the development of markets for~~
23 ~~recycling and solicit the opinions of those persons with respect to~~
24 ~~market development.))"~~

25 "NEW SECTION. Sec. 211. Section headings as used in this chapter
26 do not constitute any part of the law."

27 "NEW SECTION. Sec. 212. A new section is added to chapter 70.93
28 RCW to read as follows:

1 There is created an account within the state treasury to be known as
2 the clean Washington account. Moneys deposited in the clean Washington
3 account shall be subject to appropriation and shall be used for the
4 administration and implementation of the clean Washington center
5 established under section 204 of this act."

6 "NEW SECTION. **Sec. 213.** The following acts or parts of acts are
7 each repealed:

8 (1) RCW 43.31.552 and 1989 c 431 s 100;

9 (2) RCW 43.31.554 and 1989 c 431 s 101; and

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

11 "NEW SECTION. **Sec. 214.** Sections 201 through 208 of this act
12 shall constitute a new chapter in Title 70 RCW."

13 "

14 "PART III

15 USED OIL RECYCLING"

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

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

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

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

26 (2) In light of the harmful consequences of improper disposal and
27 use of used oil, and its value as a resource, the legislature declares

1 that the collection, recycling, and reuse of used oil is in the public
2 interest.

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

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

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

12 (2) "Used oil" means (a) lubricating fluids that have been removed
13 from an engine crankcase, transmission, gearbox, hydraulic device, or
14 differential of an automobile, bus, truck, vessel, plane, heavy
15 equipment, or machinery powered by an internal combustion engine; (b)
16 any oil that has been refined from crude oil, used, and as a result of
17 use, has been contaminated with physical or chemical impurities; and
18 (c) any oil that has been refined from crude oil and, as a consequence
19 of extended storage, spillage, or contamination, is no longer useful to
20 the original purchaser. "Used oil" does not include used oil to which
21 hazardous wastes have been added.

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

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

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

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

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

9 "NEW SECTION. Sec. 303. PUBLIC USED OIL COLLECTION. (1) Each
10 local government and its local hazardous waste plan under RCW
11 70.105.220 is required to include a used oil recycling element. This
12 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. Where
18 provided, the plan shall also incorporate residential collection of
19 used oil;

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

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

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

27 (2) By July 1, 1993, each local government or combination of
28 contiguous local governments shall submit its used oil recycling
29 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. The department shall approve
3 or disapprove the used oil recycling element if it determines that the
4 element is consistent with this chapter and the guidelines developed by
5 the department under section 304 of this act.

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

12 Nothing in this section shall be construed to require a city or
13 county to construct or operate a public used oil collection site."

14 "NEW SECTION. Sec. 304. RECYCLING GOALS. (1) By July 1, 1992,
15 the department shall, in consultation with local governments, prepare
16 guidelines for the used oil recycling elements required by section 303
17 of this act. The guidelines shall:

18 (a) Require development of local collection and rerefining goals
19 for household used oil for each entity preparing a used oil recycling
20 element under section 303 of this act;

21 (b) Require local government to recommend the number of used oil
22 collection sites needed to meet the local goals. The department shall
23 establish criteria regarding minimum levels of used oil collection
24 sites;

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

28 (2) The department may waive all or part of the specific
29 requirements of section 303 of this act if a local government

1 demonstrates to the satisfaction of the department that the objectives
2 of this chapter have been met.

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

6 (4) The department shall develop state-wide collection and
7 rerefining goals for household used oil for each calendar year
8 beginning with calendar year 1994. Goals shall be based on the
9 estimated state-wide collection and rerefining rate for calendar year
10 1993, and shall increase each year until calendar year 1996, when the
11 rate shall be eighty percent.

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

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

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

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

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

21 (e) Include other requirements deemed appropriate by the
22 department."

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

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

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

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

12 (3) The department is responsible for notifying retailers subject
13 to this section.

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

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

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

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

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

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

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

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

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

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

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

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

23 "NEW SECTION. **Sec. 308.** USED OIL TRANSPORTER AND PROCESSOR
24 REQUIREMENTS. (1) By January 1, 1993, the department shall adopt rules
25 requiring any transporter of used oil to comply with minimum notifi-
26 cation, invoicing, recordkeeping, and reporting requirements. For the
27 purpose of this section, a transporter means a person engaged in the

1 off-site transportation of used oil in quantities greater than twenty-
2 five gallons per day.

3 (2) By January 1, 1993, the department shall adopt minimum
4 standards for used oil that is blended into fuels. Standards shall, at
5 a minimum, establish testing and recordkeeping requirements. Unless
6 otherwise exempted, a processor is any person involved in the
7 marketing, blending, mixing, or processing of used oil to produce fuel
8 to be burned for energy recovery.

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

12 (4) Rules developed under this section shall not require a manifest
13 from individual residences served by a waste oil curbside collection
14 program."

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

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

19 "NEW SECTION. **Sec. 311.** A new section is added to chapter 70.94
20 RCW to read as follows:

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

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

25 (a) Cadmium: 2 ppm maximum

26 (b) Chromium: 10 ppm maximum

27 (c) Lead: 100 ppm maximum

- 1 (d) Arsenic: 5 ppm maximum
- 2 (e) Total halogens: 1000 ppm maximum
- 3 (f) Polychlorinated biphenyls: 2 ppm maximum
- 4 (g) Ash: .1 percent maximum
- 5 (h) Sulfur: 1.0 percent maximum
- 6 (i) Flash point: 100 degrees Fahrenheit minimum.

7 (2) This section shall not apply to: (a) Used oil burned in space
8 heaters if the space heater has a maximum heat output of not greater
9 than 0.5 million btu's per hour or used oil burned in facilities
10 permitted by the department or a local air pollution control authority;
11 or (b) ocean-going vessels.

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

15 "NEW SECTION. **Sec. 312.** A new section is added to chapter 70.105
16 RCW to read as follows:

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

20 "**Sec. 313.** RCW 70.95C.020 and 1990 c 114 s 2 are each amended to
21 read as follows:

22 As used in this chapter, the following terms have the meanings
23 indicated unless the context clearly requires otherwise.

24 (1) "Department" means the department of ecology.

25 (2) "Director" means the director of the department of ecology or
26 the director's designee.

27 (3) "Dangerous waste" shall have the same definition as set forth
28 in RCW 70.105.010(5) and shall specifically include those wastes

1 designated as dangerous by rules adopted pursuant to chapter 70.105
2 RCW.

3 (4) "EPA/state identification number" means the number assigned by
4 the EPA (environmental protection agency) or by the department of
5 ecology to each generator and/or transporter and treatment, storage,
6 and/or disposal facility.

7 (5) "Extremely hazardous waste" shall have the same definition as
8 set forth in RCW 70.105.010(6) and shall specifically include those
9 wastes designated as extremely hazardous by rules adopted pursuant to
10 chapter 70.105 RCW.

11 (6) "Fee" means the annual hazardous waste fees imposed under RCW
12 70.95E.020 and 70.95E.030.

13 (7) "Generate" means any act or process which produces hazardous
14 waste or first causes a hazardous waste to become subject to
15 regulation.

16 (8) "Hazardous substance" means any hazardous substance listed as
17 a hazardous substance as of March 21, 1990, pursuant to section 313 of
18 Title III of the Superfund Amendments and Reauthorization Act, any
19 other substance determined by the director by rule to present a threat
20 to human health or the environment, and all ozone depleting compounds
21 as defined by the Montreal Protocol of October 1987.

22 (9) (a) "Hazardous substance use reduction" means the reduction,
23 avoidance, or elimination of the use or production of hazardous
24 substances without creating substantial new risks to human health or
25 the environment.

26 (b) "Hazardous substance use reduction" includes proportionate
27 changes in the usage of hazardous substances as the usage of a
28 hazardous substance or hazardous substances changes as a result of
29 production changes or other business changes.

1 (10) "Hazardous substance user" means any facility required to
2 report under section 313 of Title III of the Superfund Amendments and
3 Reauthorization Act, except for those facilities which only distribute
4 or use fertilizers or pesticides intended for commercial agricultural
5 applications.

6 (11) "Hazardous waste" means and includes all dangerous and
7 extremely hazardous wastes, but does not include radioactive wastes or
8 a substance composed of both radioactive and hazardous components and
9 does not include any hazardous waste generated as a result of a
10 remedial action under state or federal law.

11 (12) "Hazardous waste generator" means any person generating
12 hazardous waste regulated by the department.

13 (13) "Office" means the office of waste reduction.

14 (14) "Plan" means the plan provided for in RCW 70.95C.200.

15 (15) "Person" means an individual, trust, firm, joint stock
16 company, partnership, association, state, public or private or
17 municipal corporation, commission, political subdivision of a state,
18 interstate body, the federal government, including any agency or
19 officer thereof, and any Indian tribe or authorized tribal
20 organization.

21 (16) "Process" means all industrial, commercial, production, and
22 other processes that result in the generation of waste.

23 (17) "Recycled for beneficial use" means the use of hazardous
24 waste, either before or after reclamation, as a substitute for a
25 commercial product or raw material, but does not include: (a) Use
26 constituting disposal; (b) incineration; or (c) use as a fuel.

27 (18) "Recycling" means reusing waste materials and extracting
28 valuable materials from a waste stream. Recycling does not include
29 burning for energy recovery.

1 (19) "Treatment" means the physical, chemical, or biological
2 processing of waste to render it completely innocuous, produce a
3 recyclable by-product, reduce toxicity, or substantially reduce the
4 volume of material requiring disposal as described in the priorities
5 established in RCW 70.105.150. Treatment does not include
6 incineration.

7 (20) "Used oil" means (a) lubricating fluids that have been removed
8 from an engine crankcase, transmission, gearbox, hydraulic device, or
9 differential of an automobile, bus, truck, vessel, plane, heavy
10 equipment, or machinery powered by an internal combustion engine; (b)
11 any oil that has been refined from crude oil, used, and as a result of
12 use, has been contaminated with physical or chemical impurities; and
13 (c) any oil that has been refined from crude oil and, as a consequence
14 of extended storage, spillage, or contamination, is no longer useful to
15 the original purchaser. "Used oil" does not include used oil to which
16 hazardous wastes have been added.

17 (21) "Waste" means any solid waste as defined under RCW 70.95.030,
18 any hazardous waste, any air contaminant as defined under RCW
19 70.94.030, and any organic or inorganic matter that shall cause or tend
20 to cause water pollution as defined under RCW 90.48.020.

21 (~~(21)~~) (22) "Waste generator" means any individual, business,
22 government agency, or any other organization that generates waste.

23 (~~(22)~~) (23) "Waste reduction" means all in-plant practices that
24 reduce, avoid, or eliminate the generation of wastes or the toxicity of
25 wastes, prior to generation, without creating substantial new risks to
26 human health or the environment. As used in RCW 70.95C.200 through
27 70.95C.240, "waste reduction" refers to hazardous waste only."

28 "Sec. 314. RCW 70.95C.200 and 1990 c 114 s 6 are each amended to
29 read as follows:

1 (1) Each hazardous waste generator who generates more than two thousand
2 six hundred forty pounds of hazardous waste per year and each hazardous
3 substance user, except for those facilities that are primarily
4 permitted treatment, storage, and disposal facilities or recycling
5 facilities, shall prepare a plan for the voluntary reduction of the use
6 of hazardous substances and the generation of hazardous wastes.
7 Hazardous waste generated and recycled for beneficial use, including
8 initial amount of hazardous substances introduced into a process and
9 subsequently recycled for beneficial use, shall not be used in the
10 calculation of hazardous waste generated for purposes of this section.
11 The department may develop reporting requirements, consistent with
12 existing reporting, to establish recycling for beneficial use under
13 this section. Used oil to be rerefined or burned for energy or heat
14 recovery shall not be used in the calculation of hazardous wastes
15 generated for purposes of this section, and is not required to be
16 addressed by plans prepared under this section. A person with multiple
17 interrelated facilities where the processes in the facilities are
18 substantially similar, may prepare a single plan covering one or more
19 of those facilities.

20 (2) Each user or generator required to write a plan is encouraged
21 to advise its employees of the planning process and solicit comments or
22 suggestions from its employees on hazardous substance use and waste
23 reduction options.

24 (3) The department shall adopt by April 1, 1991, rules for
25 preparation of plans. The rules shall require the plan to address the
26 following options, according to the following order of priorities:
27 Hazardous substance use reduction, waste reduction, recycling, and
28 treatment. In the planning process, first consideration shall be given
29 to hazardous substance use reduction and waste reduction options.
30 Consideration shall be given next to recycling options. Recycling

1 options may be considered only after hazardous substance use reduction
2 options and waste reduction options have been thoroughly researched and
3 shown to be inappropriate. Treatment options may be considered only
4 after hazardous substance use reduction, waste reduction, and recycling
5 options have been thoroughly researched and shown to be inappropriate.
6 Documentation of the research shall be available to the department upon
7 request. The rules shall also require the plans to discuss the
8 hazardous substance use reduction, waste reduction, and closed loop
9 recycling options separately from other recycling and treatment
10 options. All plans shall be written in conformance with the format
11 prescribed in the rules adopted under this section. The rules shall
12 require the plans to include, but not be limited to:

13 (a) A written policy articulating management and corporate support
14 for the plan and a commitment to implementing planned activities and
15 achieving established goals;

16 (b) The plan scope and objectives;

17 (c) Analysis of current hazardous substance use and hazardous waste
18 generation, and a description of current hazardous substance use
19 reduction, waste reduction, recycling, and treatment activities;

20 (d) An identification of further hazardous substance use reduction,
21 waste reduction, recycling, and treatment opportunities, and an
22 analysis of the amount of hazardous substance use reduction and waste
23 reduction that would be achieved, and the costs. The analysis of
24 options shall demonstrate that the priorities provided for in this
25 section have been followed;

26 (e) A selection of options to be implemented in accordance with the
27 priorities established in this section;

28 (f) An analysis of impediments to implementing the options.
29 Impediments that shall be considered acceptable include, but are not

1 limited to: Adverse impacts on product quality, legal or contractual
2 obligations, economic practicality, and technical feasibility;

3 (g) A written policy stating that in implementing the selected
4 options, whenever technically and economically practicable, risks will
5 not be shifted from one part of a process, environmental media, or
6 product to another;

7 (h) Specific performance goals in each of the following categories,
8 expressed in numeric terms:

9 (i) Hazardous substances to be reduced or eliminated from use;

10 (ii) Wastes to be reduced or eliminated through waste reduction
11 techniques;

12 (iii) Materials or wastes to be recycled; and

13 (iv) Wastes to be treated;

14 If the establishment of numeric performance goals is not
15 practicable, the performance goals shall include a clearly stated list
16 of objectives designed to lead to the establishment of numeric goals as
17 soon as is practicable. Goals shall be set for a five-year period from
18 the first reporting date;

19 (i) A description of how the wastes that are not recycled or
20 treated and the residues from recycling and treatment processes are
21 managed may be included in the plan;

22 (j) Hazardous substance use and hazardous waste accounting systems
23 that identify hazardous substance use and waste management costs and
24 factor in liability, compliance, and oversight costs;

25 (k) A financial description of the plan;

26 (l) Personnel training and employee involvement programs;

27 (m) A five-year plan implementation schedule;

28 (n) Documentation of hazardous substance use reduction and waste
29 reduction efforts completed before or in progress at the time of the
30 first reporting date; and

1 (o) An executive summary of the plan, which shall include, but not
2 be limited to:

3 (i) The information required by (c), (e), (h), and (n) of this
4 subsection; and

5 (ii) A summary of the information required by (d) and (f) of this
6 subsection.

7 (4) Upon completion of a plan, the owner, chief executive officer,
8 or other person with the authority to commit management to the plan
9 shall sign and submit an executive summary of the plan to the
10 department.

11 (5) Plans shall be completed and executive summaries submitted in
12 accordance with the following schedule:

13 (a) Hazardous waste generators who generated more than fifty
14 thousand pounds of hazardous waste in calendar year 1991 and hazardous
15 substance users who were required to report in 1991, by September 1,
16 1992;

17 (b) Hazardous waste generators who generated between seven thousand
18 and fifty thousand pounds of hazardous waste in calendar year 1992 and
19 hazardous substance users who were required to report for the first
20 time in 1992, by September 1, 1993;

21 (c) Hazardous waste generators who generated between two thousand
22 six hundred forty and seven thousand pounds of hazardous waste in 1993
23 and hazardous substance users who were required to report for the first
24 time in 1993, by September 1, 1994;

25 (d) Hazardous waste generators who have not been required to
26 complete a plan on or prior to September 1, 1994, must complete a plan
27 by September 1 of the year following the first year that they generate
28 more than two thousand six hundred forty pounds of hazardous waste; and

29 (e) Hazardous substance users who have not been required to
30 complete a plan on or prior to September 1, 1994, must complete a plan

1 by September 1 of the year following the first year that they are
2 required to report under section 313 of Title III of the Superfund
3 Amendments and Reauthorization Act.

4 (6) Annual progress reports, including a description of the
5 progress made toward achieving the specific performance goals
6 established in the plan, shall be prepared and submitted to the
7 department in accordance with rules developed under this section. Upon
8 the request of two or more users or generators belonging to similar
9 industrial classifications, the department may aggregate data contained
10 in their annual progress reports for the purpose of developing a public
11 record.

12 (7) Every five years, each plan shall be updated, and a new
13 executive summary shall be submitted to the department."

14 "NEW SECTION. **Sec. 315.** The following acts or parts of acts are
15 each repealed:

16 (1) RCW 19.114.010 and 1983 c 137 s 1;

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

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

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

20 "NEW SECTION. **Sec. 316.** RCW 19.114.040 is recodified as a section
21 in chapter 70.-- RCW (sections 301 through 310 of this act)."

22 "NEW SECTION. **Sec. 317.** Sections 301 through 310 of this act
23 shall constitute a new chapter in Title 70 RCW."

24 "PART IV
25 MISCELLANEOUS"

1 **"Sec. 401.** 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, ~~((and the~~
16 ~~refuse removal))~~ recycling industries, solid waste collection
17 industries, and resource recovery industries. ~~((The director shall~~
18 ~~include among his ten appointees representatives of activities from~~
19 ~~which dangerous wastes arise and the Washington state patrol's~~
20 ~~hazardous materials technical advisory committee.))~~ The term of
21 appointment shall be determined by the director. The committee shall
22 elect its own ~~((chairman))~~ chair and meet at least four times a year,
23 in accordance with such rules of procedure as it shall establish.
24 Members shall receive no compensation for their services but shall be
25 reimbursed their travel expenses while engaged in business of the
26 committee in accordance with RCW 43.03.050 and 43.03.060 as now
27 existing or hereafter amended.

28 (3) The committee shall each year recommend to the governor a
29 recipient for a "governor's award of excellence" which the governor

1 shall award for outstanding achievement by an industry, company, or
2 individual in the area of hazardous waste or solid waste management."

3 "NEW SECTION. Sec. 402. A new section is added to chapter 70.95
4 RCW to read as follows:

5 (1) Each local solid waste advisory committee shall conduct one or more
6 meetings for the purpose of determining how local private recycling and
7 solid waste collection businesses may participate in the development
8 and implementation of programs to collect source separated materials
9 from residences, and to process and market materials collected for
10 recycling. The meetings shall include local private recycling
11 businesses, private solid waste collection companies operating within
12 the jurisdiction, and the local solid waste planning agencies. The
13 meetings shall be held during the development of the waste reduction
14 and recycling element or no later than one year prior to the date that
15 a jurisdiction is required submit the element under RCW 70.95.110(2).

16 (2) The meeting requirement under subsection (1) of this section
17 shall apply whenever a city or county develops or amends the waste
18 reduction and recycling element required under this chapter.
19 Jurisdictions having approved waste reduction and recycling elements or
20 having initiated a process for the selection of a service provider as
21 of the effective date of this act do not have to comply with the
22 requirements of subsection (1) of this section until the next revisions
23 to the waste reduction and recycling element are made or required.

24 (3) After the waste reduction and recycling element is approved by
25 the local legislative authority but before it is submitted to the
26 department for approval, the local solid waste advisory committee shall
27 hold at least one additional meeting to review the element.

1 (4) For the purpose of this section, "private recycling business"
2 means any private for-profit or private not-for-profit business that
3 engages in the processing and marketing of recyclable materials."

4 "NEW SECTION. Sec. 403. A new section is added to chapter 81.77
5 RCW to read as follows:

6 (1) A solid waste collection company collecting recyclable materials
7 from residences shall utilize one or more private recycling businesses
8 when arranging for the processing and marketing of such materials, if
9 the following conditions are met:

10 (a) A recycling business is located within the county at the time
11 the collection program commences or at any time that the solid waste
12 collection company changes its existing processor;

13 (b) A local private recycling business is capable and competent to
14 provide the processing and marketing service; and

15 (c) A local private recycling business offers to pay a price for
16 the recyclable materials which is equal to or greater than the price
17 offered by out-of-county private recyclers, or proposes a charge for
18 the processing and marketing service which is equal to or less than the
19 charge for the service available from an out-of-county private
20 recycler.

21 (2) This section shall not apply to:

22 (a) Cities or towns who exercise their authority under RCW
23 81.77.130 to provide residential curbside collection of recyclable
24 materials;

25 (b) A solid waste collection company that is directed by a city,
26 town, or county to utilize a publicly owned recyclable processing
27 facility located within such city, town, or county; or

1 (c) Counties which exercise their authority under RCW 36.58.040 to
2 contract for the residential curbside collection of source separated
3 recyclables.

4 This section shall not apply to programs for the collection of
5 source separated recyclable materials where rates to implement the
6 programs have been filed with the commission prior to the effective
7 date of this act.

8 (3) For the purposes of this section, "private recycling business"
9 means any private for-profit or private not-for-profit firm that
10 engages in the processing and marketing of recyclable materials.

11 (4) This section is not enforceable by complaint filed with the
12 commission."

13 "NEW SECTION. Sec. 404. A new section is added to chapter 35.21
14 RCW to read as follows:

15 (1) Each city or town providing by ordinance or resolution a reduced
16 solid waste collection rate to residents participating in a residential
17 curbside recycling program implemented under RCW 70.95.090, may provide
18 a similar reduced rate to residents participating in any other
19 recycling program, if such program is approved by the jurisdiction.
20 Nothing in this section shall be interpreted to reduce the authority of
21 a city to adopt ordinances under RCW 35.21.130(1).

22 (2) For the purposes of this section, "reduced rate" means a
23 residential solid waste collection rate incorporating a rebate, refund,
24 or discount. Reduced rate shall not include residential solid waste
25 collection rate based on the volume or weight of solid waste set out
26 for collection."

27 "NEW SECTION. Sec. 405. A new section is added to chapter 35A.21
28 RCW to read as follows:

1 (1) Each city or town providing by ordinance or resolution a reduced
2 solid waste collection rate to residents participating in a residential
3 curbside recycling program implemented under RCW 70.95.090, may provide
4 a similar reduced rate to residents participating in any other
5 recycling program, if such program is approved by the jurisdiction.
6 Nothing in this section shall be interpreted to reduce the authority of
7 a city to adopt ordinances under RCW 35.21.130(1).

8 (2) For the purposes of this section, "reduced rate" means a
9 residential solid waste collection rate incorporating a rebate, refund,
10 or discount. Reduced rate shall not include residential solid waste
11 collection rate based on the volume or weight of solid waste set out
12 for collection."

13 "NEW SECTION. Sec. 406. A new section is added to chapter 81.77
14 RCW to read as follows:

15 (1) If the commission authorizes a surcharge or reduced rate incentive
16 based on a customer's participation in a company's curbside residential
17 recycling program, customers participating in any other noncurbside
18 recycling program approved by the jurisdiction shall be eligible for
19 such incentives.

20 (2) For the purpose of this section, "reduced rate" means a
21 residential solid waste collection rate incorporating a rebate, refund,
22 or discount. It does not include any residential solid waste
23 collection rate based on the volume or weight of solid waste set out
24 for collection."

25 "NEW SECTION. Sec. 407. A new section is added to chapter 70.95
26 RCW to read as follows:

27 (1) No person may divert to personal use any recyclable material placed
28 in a container as part of a recycling program, without the consent of

1 the generator of such recyclable material or the solid waste collection
2 company operating under the authority of a town, city, county, or the
3 utilities and transportation commission, and no person may divert to
4 commercial use any recyclable material placed in a container as part of
5 a recycling program, without the consent of the person owning or
6 operating such container.

7 (2) A violation of subsection (1) of this section is a class 1
8 civil infraction under chapter 7.80 RCW. Each violation of this
9 section shall be a separate infraction."

10 "Sec. 408. RCW 46.61.560 and 1984 c 7 s 72 are each amended to
11 read as follows:

12 (1) Outside of incorporated cities and towns no person may stop, park,
13 or leave standing any vehicle, whether attended or unattended, upon the
14 roadway.

15 (2) Subsection (1) of this section and RCW 46.61.570 and 46.61.575
16 do not apply to the driver of any vehicle that is disabled in such
17 manner and to such extent that it is impossible to avoid stopping and
18 temporarily leaving the vehicle in such position. The driver shall
19 nonetheless arrange for the prompt removal of the vehicle as required
20 by RCW 46.61.590.

21 (3) Subsection (1) of this section does not apply to the driver of
22 a public transit vehicle who temporarily stops the vehicle upon the
23 roadway for the purpose of and while actually engaged in receiving or
24 discharging passengers at a marked transit vehicle stop zone approved
25 by the state department of transportation or a county upon highways
26 under their respective jurisdictions.

27 (4) Subsection (1) of this section and RCW 46.61.570 and 46.61.575
28 do not apply to the driver of a solid waste collection company or
29 recycling company vehicle who temporarily stops the vehicle as close as

1 practical to the right edge of the right-hand shoulder of the roadway
2 or right edge of the roadway if no shoulder exists for the purpose of
3 and while actually engaged in the collection of solid waste or
4 recyclables, or both, under chapters 81.77, 35.21, and 35A.21 RCW or by
5 contract under RCW 36.58.030."

6 "NEW SECTION. **Sec. 409.** Part headings as used in this act do not
7 constitute any part of the law."

8 "NEW SECTION. **Sec. 410.** If specific funding for the purposes of
9 this act, referencing this act by bill number, is not provided by June
10 30, 1991, in the omnibus appropriations act, 201 through 212 of this
11 act shall be null and void."

12 "NEW SECTION. **Sec. 411.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected."

16 "NEW SECTION. **Sec. 412.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and shall take
19 effect immediately."

20 **2SSB 5591** - H COMM AMD
21 By Committee on Revenue

22

23 On page 1, line 1 of the title, after "recycling;" strike the
24 remainder of the title and insert "amending RCW 70.93.020, 70.93.030,
25 70.95C.120, 43.31.545, 70.95C.020, 70.95C.200, 70.95.040, and

1 46.61.560; adding a new section to chapter 70.93 RCW; adding a new
2 section to chapter 70.94 RCW; adding a new section to chapter 70.105
3 RCW; adding new sections to chapter 70.95 RCW; adding new sections to
4 chapter 81.77 RCW; adding a new section to chapter 35.21 RCW; adding a
5 new section to chapter 35A.21 RCW; adding new chapters to Title 70 RCW;
6 creating new sections; recodifying RCW 19.114.040; repealing RCW
7 43.31.552, 43.31.554, 43.31.556, 19.114.010, 19.114.020, 19.114.030,
8 and 19.114.900; prescribing penalties; and declaring an emergency."