
HOUSE BILL 2459

State of Washington

61st Legislature

2010 Regular Session

By Representatives Campbell, Chase, Kretz, Dunshee, Rolfes, Finn, Upthegrove, and Moeller; by request of Department of Ecology

Prefiled 12/14/09. Read first time 01/11/10. Referred to Committee on Environmental Health.

1 AN ACT Relating to updating hazardous waste fee provisions; and
2 amending RCW 70.95E.010, 70.95E.020, and 70.95E.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.95E.010 and 1995 c 207 s 1 are each amended to read
5 as follows:

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

8 (1) "Dangerous waste" shall have the same definition as set forth
9 in RCW 70.105.010(~~(+5+)~~) (1) and shall include those wastes designated
10 as dangerous by rules adopted pursuant to chapter 70.105 RCW.

11 (2) "Department" means the department of ecology.

12 (3) "EPA/state identification number" means the number assigned by
13 the EPA (environmental protection agency) or by the department (~~(of~~
14 ~~ecology)~~) to each generator and/or transporter and treatment, storage,
15 and/or disposal facility.

16 (4) "Extremely hazardous waste" shall have the same definition as
17 set forth in RCW 70.105.010(~~(+6+)~~) (7) and shall specifically include
18 those wastes designated as extremely hazardous by rules adopted
19 pursuant to chapter 70.105 RCW.

1 (5) "Fee" means the annual fees imposed under this chapter.

2 (6) "Generate" means any act or process which produces hazardous
3 waste or first causes a hazardous waste to become subject to
4 regulation.

5 (7) "Hazardous waste" means and includes all dangerous and
6 extremely hazardous wastes but for the purposes of this chapter
7 excludes all radioactive wastes or substances composed of both
8 radioactive and hazardous components.

9 (8) "Hazardous waste generator" means all persons whose primary
10 business activities are identified by the department to generate any
11 quantity of hazardous waste in the calendar year for which the fee is
12 imposed.

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

18 (10) "Price deflator" means the figures reported by the United
19 States department of commerce bureau of economic analysis((~~7~~)) on the
20 table for "Implicit Price Deflator for Gross ((~~National~~)) Domestic
21 Product." ((~~for "Government Purchases of Goods and Services,"~~)) For
22 purposes of calculating fees beginning in 2010, the department must use
23 a price deflator for "State and Local Government." If a "State and
24 Local Government" figure is not included on the table, the department
25 must use a price deflator figure applicable to general government.

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

30 (12) "Waste generation site" means any geographical area that has
31 been assigned an EPA/state identification number.

32 **Sec. 2.** RCW 70.95E.020 and 1995 c 207 s 2 are each amended to read
33 as follows:

34 (1) A fee is imposed for the privilege of generating hazardous
35 waste in the state. The annual amount of the fee ((~~shall be~~)) is
36 thirty-five dollars upon every hazardous waste generator doing business

1 in Washington in the current calendar year or any part thereof. This
2 fee shall be collected by the department or its designee.

3 (2) A hazardous waste generator (~~((shall be))~~) is exempt from the fee
4 imposed under this section if the value of products, gross proceeds of
5 sales, or gross income of the business, from all business activities of
6 the hazardous waste generator, is less than (~~((twelve))~~) the exemption
7 threshold of nineteen thousand five hundred dollars (~~((in the current))~~)
8 per calendar year.

9 (3) The department shall, subject to appropriation, use the funds
10 collected from the fees assessed in this (~~((subsection))~~) section to
11 support the activities of the office of waste reduction as specified in
12 RCW 70.95C.030. The fee imposed pursuant to this section is due
13 annually by July 1st of the year following the calendar year for which
14 the fee is imposed.

15 **Sec. 3.** RCW 70.95E.040 and 1990 c 114 s 14 are each amended to
16 read as follows:

17 On an annual basis, the department shall adjust the fees and
18 exemption threshold provided for in RCW 70.95E.020 and 70.95E.030,
19 including the maximum annual fee, and maximum total fees, by conducting
20 the calculation in subsection (1) of this section and taking the
21 actions set forth in subsection (2) of this section:

22 (1) In (~~((November))~~) March of each year, the exemption threshold,
23 the fees, annual fee, and maximum total fees imposed in RCW 70.95E.020
24 and 70.95E.030, or as subsequently adjusted by this section, shall be
25 multiplied by a factor equal to the (~~((most current quarterly))~~) "price
26 deflator" for the most recently completed calendar year available,
27 divided by the "price deflator" used in the numerator the (~~((previous))~~)
28 preceding year. (~~((However, the "price deflator" used in the~~
29 ~~denominator for the first adjustment shall be defined by the second~~
30 ~~quarter "price deflator" for 1990.))~~)

31 (2) Each year by (~~((March 1))~~) April 1st the fee schedule, as
32 adjusted in subsection (1) of this section, will be published. The
33 department will round the published fees to the nearest dollar.

--- END ---