
SENATE BILL 6036

State of Washington 62nd Legislature 2012 Regular Session

By Senators Delvin, Morton, Honeyford, and Hewitt

Read first time 01/09/12. Referred to Committee on Environment.

1 AN ACT Relating to the allocation of moneys from the state and
2 local toxics control account; and reenacting and amending RCW
3 70.105D.070.

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

5 **Sec. 1.** RCW 70.105D.070 and 2011 1st sp.s. c 50 s 964 are each
6 reenacted and amended to read as follows:

7 (1) The state toxics control account and the local toxics control
8 account are hereby created in the state treasury.

9 (2) The following moneys shall be deposited into the state toxics
10 control account: (a) Those revenues which are raised by the tax
11 imposed under RCW 82.21.030 and which are attributable to that portion
12 of the rate equal to thirty-three one-hundredths of one percent; (b)
13 the costs of remedial actions recovered under this chapter or chapter
14 70.105A RCW; (c) penalties collected or recovered under this chapter;
15 and (d) any other money appropriated or transferred to the account by
16 the legislature. Moneys in the account may be used only to carry out
17 the purposes of this chapter, including but not limited to the
18 following activities:

1 (i) The state's responsibility for hazardous waste planning,
2 management, regulation, enforcement, technical assistance, and public
3 education required under chapter 70.105 RCW;

4 (ii) The state's responsibility for solid waste planning,
5 management, regulation, enforcement, technical assistance, and public
6 education required under chapter 70.95 RCW;

7 (iii) The hazardous waste cleanup program required under this
8 chapter;

9 (iv) State matching funds required under the federal cleanup law;

10 (v) Financial assistance for local programs in accordance with
11 chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

12 (vi) State government programs for the safe reduction, recycling,
13 or disposal of hazardous wastes from households, small businesses, and
14 agriculture;

15 (vii) Hazardous materials emergency response training;

16 (viii) Water and environmental health protection and monitoring
17 programs;

18 (ix) Programs authorized under chapter 70.146 RCW;

19 (x) A public participation program, including regional citizen
20 advisory committees;

21 (xi) Public funding to assist potentially liable persons to pay for
22 the costs of remedial action in compliance with cleanup standards under
23 RCW 70.105D.030(2)(e) but only when the amount and terms of such
24 funding are established under a settlement agreement under RCW
25 70.105D.040(4) and when the director has found that the funding will
26 achieve both (A) a substantially more expeditious or enhanced cleanup
27 than would otherwise occur, and (B) the prevention or mitigation of
28 unfair economic hardship;

29 (xii) Development and demonstration of alternative management
30 technologies designed to carry out the hazardous waste management
31 priorities of RCW 70.105.150;

32 (xiii) During the 2009-2011 and 2011-2013 fiscal biennia, shoreline
33 update technical assistance;

34 (xiv) During the 2009-2011 fiscal biennium, multijurisdictional
35 permitting teams; and

36 (xv) During the 2011-2013 fiscal biennium, actions for reducing
37 public exposure to toxic air pollution.

1 (3) The following moneys shall be deposited into the local toxics
2 control account: Those revenues which are raised by the tax imposed
3 under RCW 82.21.030 and which are attributable to that portion of the
4 rate equal to thirty-seven one-hundredths of one percent.

5 (a) Moneys deposited in the local toxics control account shall be
6 used by the department for grants or loans to local governments for the
7 following purposes in descending order of priority:

8 (i) Remedial actions;

9 (ii) Hazardous waste plans and programs under chapter 70.105 RCW;

10 (iii) Solid waste plans and programs under chapters 70.95, 70.95C,
11 70.95I, and 70.105 RCW;

12 (iv) Funds for a program to assist in the assessment and cleanup of
13 sites of methamphetamine production, but not to be used for the initial
14 containment of such sites, consistent with the responsibilities and
15 intent of RCW 69.50.511; and

16 (v) Cleanup and disposal of hazardous substances from abandoned or
17 derelict vessels, defined for the purposes of this section as vessels
18 that have little or no value and either have no identified owner or
19 have an identified owner lacking financial resources to clean up and
20 dispose of the vessel, that pose a threat to human health or the
21 environment.

22 (b) Funds for plans and programs shall be allocated consistent with
23 the priorities and matching requirements established in chapters
24 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that
25 is a Puget Sound partner, as defined in RCW 90.71.010, along with any
26 project that is referenced in the action agenda developed by the Puget
27 Sound partnership under RCW 90.71.310, shall, except as conditioned by
28 RCW 70.105D.120, receive priority for any available funding for any
29 grant or funding programs or sources that use a competitive bidding
30 process. During the 2007-2009 fiscal biennium, moneys in the account
31 may also be used for grants to local governments to retrofit public
32 sector diesel equipment and for storm water planning and implementation
33 activities.

34 (c) To expedite cleanups throughout the state, the department shall
35 partner with local communities and liable parties for cleanups. The
36 department is authorized to use the following additional strategies in
37 order to ensure a healthful environment for future generations:

1 (i) The director may alter grant-matching requirements to create
2 incentives for local governments to expedite cleanups when one of the
3 following conditions exists:

4 (A) Funding would prevent or mitigate unfair economic hardship
5 imposed by the clean-up liability;

6 (B) Funding would create new substantial economic development,
7 public recreational, or habitat restoration opportunities that would
8 not otherwise occur; or

9 (C) Funding would create an opportunity for acquisition and
10 redevelopment of vacant, orphaned, or abandoned property under RCW
11 70.105D.040(5) that would not otherwise occur;

12 (ii) The use of outside contracts to conduct necessary studies;

13 (iii) The purchase of remedial action cost-cap insurance, when
14 necessary to expedite multiparty clean-up efforts.

15 (d) To facilitate and expedite cleanups using funds from the local
16 toxics control account, during the 2009-2011 fiscal biennium the
17 director may establish grant-funded accounts to hold and disperse local
18 toxics control account funds and funds from local governments to be
19 used for remedial actions.

20 (4) Except for unanticipated receipts under RCW 43.79.260 through
21 43.79.282, moneys in the state and local toxics control accounts may be
22 spent only after appropriation by statute.

23 ~~(5) ((Except during the 2009-2011 fiscal biennium, one percent of~~
24 ~~the moneys deposited into the state and local toxics control accounts~~
25 ~~shall be allocated only for public participation grants to persons who~~
26 ~~may be adversely affected by a release or threatened release of a~~
27 ~~hazardous substance and to not for profit public interest~~
28 ~~organizations. The primary purpose of these grants is to facilitate~~
29 ~~the participation by persons and organizations in the investigation and~~
30 ~~remedying of releases or threatened releases of hazardous substances~~
31 ~~and to implement the state's solid and hazardous waste management~~
32 ~~priorities. No grant may exceed sixty thousand dollars. Grants may be~~
33 ~~renewed annually. Moneys appropriated for public participation from~~
34 ~~either account which are not expended at the close of any biennium~~
35 ~~shall revert to the state toxics control account.~~

36 ~~(6))~~) No moneys deposited into either the state or local toxics
37 control account may be used for solid waste incinerator feasibility
38 studies, construction, maintenance, or operation, or, after January 1,

1 2010, for projects designed to address the restoration of Puget Sound,
2 funded in a competitive grant process, that are in conflict with the
3 action agenda developed by the Puget Sound partnership under RCW
4 90.71.310.

5 ~~((+7))~~ (6) The department shall adopt rules for grant or loan
6 issuance and performance.

7 ~~((+8))~~ (7) During the 2007-2009 and 2009-2011 fiscal biennia, the
8 legislature may transfer from the local toxics control account to
9 either the state general fund or the oil spill prevention account, or
10 both such amounts as reflect excess fund balance in the account.

11 ~~((+9))~~ (8) During the 2009-2011 fiscal biennium, the local toxics
12 control account may also be used for a standby rescue tug at Neah Bay,
13 local government shoreline update grants, private and public sector
14 diesel equipment retrofit, and oil spill prevention, preparedness, and
15 response activities.

16 ~~((+10))~~ (9) During the 2009-2011 fiscal biennium, the legislature
17 may transfer from the state toxics control account to the state general
18 fund such amounts as reflect the excess fund balance in the account.

19 ~~((+11))~~ (10) During the 2011-2013 fiscal biennium, the local
20 toxics control account may also be used for local government shoreline
21 update grants and actions for reducing public exposure to toxic air
22 pollution.

--- END ---