

ESB 6501 - H COMM AMD
By Committee on Environment

ADOPTED 03/05/2014

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 70.95I.020 and 1991 c 319 s 303 are each amended to
4 read as follows:

5 (1) Each local government and its local hazardous waste plan under
6 RCW 70.105.220 is required to include a used oil recycling element.
7 This element shall include:

8 (a) A plan to reach the local goals for household used oil
9 recycling established by the local government and the department under
10 RCW 70.95I.030. The plan shall, to the maximum extent possible,
11 incorporate voluntary agreements with the private sector and state
12 agencies to provide sites for the collection of used oil. Where
13 provided, the plan shall also incorporate residential collection of
14 used oil;

15 (b) A plan for enforcing the sign and container ordinances required
16 by RCW 70.95I.040;

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

18 (d) A plan for addressing best management practices as provided for
19 under RCW 70.95I.030; and

20 (e) 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 RCW 70.95I.030.

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 (4) Nothing in this section shall be construed to require a city or
10 county to construct or operate a public used oil collection site.

11 **Sec. 2.** RCW 70.95I.030 and 1991 c 319 s 304 are each amended to
12 read as follows:

13 (1) (~~By July 1, 1992,~~) The department shall, in consultation with
14 local governments, (~~prepare~~) maintain guidelines for the used oil
15 recycling elements required by RCW 70.95I.020 and, by July 1, 2015,
16 shall develop best management practices for preventing and managing
17 polychlorinated biphenyl contamination at public used oil collection
18 sites.

19 (a) The guidelines shall:

20 (~~(a)~~) (i) Require development of local collection and rerefining
21 goals for household used oil for each entity preparing a used oil
22 recycling element under RCW 70.95I.020;

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

27 (~~(c)~~) (iii) Require local government to identify locations
28 suitable as public used oil collection sites as described under RCW
29 70.95I.020(1)(a).

30 (b) The best management practices for preventing and managing
31 polychlorinated biphenyl contamination at public used oil collection
32 sites must include, at a minimum:

33 (i) Tank testing requirements;

34 (ii) Contaminated tank labeling and security measures;

35 (iii) Contaminated tank cleanup standards;

36 (iv) Proper contaminated used oil disposal as required under
37 chapter 70.105 RCW and 40 C.F.R. Part 761;

1 (v) Spill control measures; and

2 (vi) Model contract language for contracts with used oil collection
3 vendors.

4 (2) The department may waive all or part of the specific
5 requirements of RCW 70.95I.020 if a local government demonstrates to
6 the satisfaction of the department that the objectives of this chapter
7 have been met.

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

11 (4) The department shall develop statewide collection and
12 rerefining goals for household used oil for each calendar year
13 beginning with calendar year 1994. Goals shall be based on the
14 estimated statewide collection and rerefining rate for calendar year
15 1993, and shall increase each year until calendar year 1996, when the
16 rate shall be eighty percent.

17 (5) By July 1, (~~(1993)~~) 2015, the department shall (~~(prepare)~~)
18 update the guidelines establishing statewide equipment and operating
19 standards for public used oil collection sites. The updated guidelines
20 must include the best management practices for prevention and
21 management of contaminated used oil developed pursuant to subsection
22 (1) of this section and a process for how to petition the legislature
23 for relief of extraordinary costs incurred with the management and
24 disposal of contaminated used oil. In addition, the standards shall:

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

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

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

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

31 (e) Include other requirements deemed appropriate by the
32 department.

33 NEW SECTION. Sec. 3. A new section is added to chapter 43.21A RCW
34 to read as follows:

35 (1) Cities and counties may submit a petition to the department for
36 reimbursement of extraordinary costs associated with managing

1 unforeseen consequences of used oil contaminated with polychlorinated
2 biphenyl and compliance with United States environmental protection
3 agency enforcement orders and enforcement-related agreements.

4 (2) The department, in consultation with city and county moderate
5 risk waste coordinators, the United States environmental protection
6 agency, and other stakeholders, must process and prioritize city and
7 county petitions that meet the following conditions:

8 (a) The petitioning city or county has followed and met:

9 (i) The updated best management practices guidelines for the
10 collection and management of used oil; and

11 (ii) The best management practices for preventing and managing
12 polychlorinated biphenyl contamination, as required under RCW
13 70.95I.030; and

14 (b) The department has determined that:

15 (i) The costs to the petitioning city or county for disposal of the
16 contaminated oil or for compliance with United States environmental
17 protection agency enforcement orders or enforcement related agreements
18 are extraordinary; and

19 (ii) The city or county could not reasonably accommodate or
20 anticipate the extraordinary costs in their normal budget processes by
21 following and meeting the best management practices for oil
22 contaminated with polychlorinated biphenyl.

23 (3) Before January 1st of each year, the department must develop
24 and submit to the appropriate fiscal committees of the senate and house
25 of representatives a prioritized list of submitted petitions that the
26 department recommends for funding by the legislature. It is the intent
27 of the legislature that if funded, the reimbursement of extraordinary
28 city or county costs associated with polychlorinated biphenyl
29 management and compliance activities come from the model toxics control
30 accounts."

31 Correct the title.

EFFECT: Establishes a deadline of July 1, 2015, for the
Department of Ecology to develop best management practices for
preventing and managing PCB contamination of used oil, and for updating

related used oil collection guidelines. Makes clarifying edits regarding the Department of Ecology's process for prioritizing and recommending Legislative funding of city and county petitions for relief from extraordinary disposal and compliance costs associated with PCB contamination of collected used oil. Clarifies that the PCB best management practices that Ecology must develop are not limited to including only explicitly listed best management practices components.

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