

FINAL BILL REPORT

ESB 6501

C 173 L 14
Synopsis as Enacted

Brief Description: Concerning used oil recycling.

Sponsors: Senators Ericksen and Darneille.

Senate Committee on Energy, Environment & Telecommunications
House Committee on Environment

Background: The Hazardous Waste Management laws establish a comprehensive framework for state and local government responsibilities concerning hazardous waste management practices. The Department of Ecology (Ecology) must develop a state hazardous waste management plan. The state plan includes elements such as an inventory and assessment of the capacity of existing facilities to treat, store, dispose, and manage hazardous waste; a forecast of future hazardous waste generation; siting criteria for hazardous waste management facilities; and a program for public education and information. Ecology must include elements of local government hazardous waste plans as necessary for effective and coordinated statewide programs.

Local governments must prepare local hazardous waste plans and include an element to manage moderate-risk wastes generated or present in their jurisdiction. Local hazardous waste plans must include public involvement and education regarding hazards to human health and the environment from improper disposal of wastes; proper handling, reducing, recycling, and disposing of waste; and an inventory of facilities managing hazardous waste as well as generators of hazardous waste. In addition, local governments must include a used oil recycling element as part of their hazardous waste plans.

A used oil recycling element must include plans to reach local goals for household used oil recycling, and to the extent possible, incorporate voluntary agreements with the private sector and state agencies to provide sites for the collection of used oil; enforce sign and container ordinances and public education on used oil recycling; and provide an estimate of funding needed.

Ecology must prepare guidelines on the requirements for the local government used oil recycling element. The guidelines include collection and re-refining goals, number of used oil collection sites needed, and suitable public used oil collection sites. These requirements may be waived if a local government demonstrates that the objectives of the used oil recycling

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program have been met. The guidelines established statewide equipment and operating standards for public used oil collection sites.

Used oil must be recycled, treated, or disposed in accordance with hazardous waste management requirements. Used oil that is contaminated with polychlorinated biphenyls (PCBs) is regulated under the federal Toxic Substances Control Act and enforced by the U.S. Environmental Protection Agency (EPA). These regulations include use, distribution, processing, disposal, and recordkeeping requirements.

Summary: In its guidance for the local government used oil recycling element, Ecology must include best management practices (BMPs) for preventing and managing PCB contamination at public used oil collection sites. By July 1, 2015, Ecology must update the BMPs to include tank testing requirements; contaminated tank labeling and security measures; contaminated tank clean-up standards; proper contaminated used oil disposal as required by EPA; spill control measures; and model contract language for used oil collection vendors.

Local governments must include in their used oil recycling element a plan for BMPs addressing prevention and management of PCB contamination at public used oil collection sites.

Cities and counties may submit a petition to Ecology for reimbursement of extraordinary costs associated with disposal of used oil contaminated with PCBs and compliance with EPA enforcement-related agreements. Ecology, in consultation with city and county moderate risk waste coordinators, EPA, and other stakeholders, must process and prioritize petitions when the following has been determined: the city or county followed and met BMPs for collecting and managing used oil and preventing and managing PBC contamination; the costs to the city or county for disposal of contaminated oil or for compliance with EPA enforcement orders or enforcement-related agreements are extraordinary; and the city or county could not reasonably accommodate or anticipate the extraordinary costs in their normal budget processes by following and meeting BMPs for oil contaminated with PCBs.

By January 1 of each year, Ecology must submit a prioritized list of petitions to the Legislature. It is the Legislature's intent to fund reimbursements from the Model Toxics Control Account.

Votes on Final Passage:

Senate	46	1	
House	98	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: June 12, 2014