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**SUBSTITUTE HOUSE BILL 1114**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Environment & Energy (originally sponsored by Representatives Doglio, Slatter, Fey, Peterson, Ryu, Fitzgibbon, Tharinger, Jenkins, Macri, and Walen)

READ FIRST TIME 01/28/19.

1 AN ACT Relating to reducing the wasting of food in order to fight  
2 hunger and reduce environmental impacts; amending RCW 70.93.180,  
3 70.95.090, and 70.105D.070; adding a new section to chapter 70.95  
4 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that the wasting  
7 of food represents a misuse of resources, including the water, land,  
8 energy, labor, and capital that go into growing, harvesting,  
9 processing, transporting, and retailing food for human consumption.  
10 Wasting edible food occurs all along the food production supply  
11 chain, and reducing the waste of edible food is a goal that can be  
12 achieved only with the collective efforts of growers, processors,  
13 distributors, retailers, consumers of food, and food bankers and  
14 related charities. Inedible food waste can be managed in ways that  
15 reduce negative environmental impacts and provide beneficial results  
16 to the land, air, soil, and energy infrastructure. Efforts to reduce  
17 the waste of food and expand the diversion of food waste to  
18 beneficial end uses will also require the mindful support of  
19 government policies that shape the behavior and waste reduction  
20 opportunities of each of those participants in the food supply chain.

1 (2) Every year, American consumers, businesses, and farms spend  
2 billions of dollars growing, processing, transporting, and disposing  
3 of food that is never eaten. That represents tens of millions of tons  
4 of food sent to landfills annually, plus millions of tons more that  
5 are discarded or left unharvested on farms. Worldwide, the United  
6 Nations food and agriculture organization has estimated that if one-  
7 fourth of the food lost or wasted globally could be saved, it would  
8 be enough to feed eight hundred seventy million hungry people.  
9 Meanwhile, one in eight Americans is food insecure, including one in  
10 six children. Recent data from the department of ecology indicate  
11 that Washington is not immune to food waste problems, and recent  
12 estimates indicate that seventeen percent of all garbage sent to  
13 Washington disposal facilities is food waste, including eight percent  
14 that is food that was determined to be edible at the time of  
15 disposal. In recognition of the widespread benefits that would accrue  
16 from reductions in food waste, in 2015, the administrator of the  
17 United States environmental protection agency and the secretary of  
18 the United States department of agriculture announced a national goal  
19 of reducing food waste by fifty percent by 2030. The Pacific Coast  
20 collaborative recently agreed to a similar commitment of halving food  
21 waste by 2030, including efforts to prevent, rescue, and recover  
22 wasted food.

23 (3) By establishing state wasted food reduction goals and  
24 developing a state wasted food reduction strategy, it is the intent  
25 of the legislature to continue its national leadership in solid waste  
26 reduction efforts by:

27 (a) Improving efficiencies in the food production and  
28 distribution system in order to reduce the cradle to grave greenhouse  
29 gas emissions associated with wasted food;

30 (b) Fighting hunger by more efficiently diverting surplus food to  
31 feed hungry individuals and families in need; and

32 (c) Supporting expansion of management facilities for inedible  
33 food waste to improve access and facility performance while reducing  
34 the volumes of food that flow through those facilities.

35 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.95  
36 RCW to read as follows:

37 (1) A goal is established for the state to reduce by fifty  
38 percent the amount of food waste generated annually by 2030, relative

1 to 2015 levels. A subset of this goal must include a prevention goal  
2 to reduce the amount of edible food that is wasted.

3 (2) The department may estimate 2015 levels of wasted food in  
4 Washington using any combination of solid waste reporting data  
5 obtained under this chapter and surveys and studies measuring wasted  
6 food and food waste in other jurisdictions. For the purposes of  
7 measuring progress towards the goal in subsection (1) of this  
8 section, the department must adopt standardized metrics and processes  
9 for measuring or estimating volumes of wasted food and food waste  
10 generated in the state.

11 (3) By October 1, 2020, the department, in consultation with the  
12 department of agriculture and the department of health, must develop  
13 and adopt a state wasted food reduction and food waste diversion plan  
14 designed to achieve the goal established in subsection (1) of this  
15 section.

16 (a) The wasted food reduction and food waste diversion plan must  
17 include strategies, in descending order of priority, to:

18 (i) Prevent and reduce the wasting of edible food by residents  
19 and businesses;

20 (ii) Help match and support the capacity for edible food that  
21 would otherwise be wasted with food banks and other distributors that  
22 will ensure the food reaches those who need it; and

23 (iii) Support productive uses of inedible food materials,  
24 including using it for animal feed, energy production through  
25 anaerobic digestion, or other commercial uses, and for off-site or  
26 on-site management systems including composting, vermicomposting, or  
27 other biological systems.

28 (b) The wasted food reduction and food waste diversion plan must  
29 be designed to:

30 (i) Recommend a regulatory environment that optimizes activities  
31 and processes to rescue safe, nutritious, edible food;

32 (ii) Recommend a funding environment in which stable, predictable  
33 resources are provided to wasted food prevention and rescue and food  
34 waste recovery activities in such a way as to allow the development  
35 of additional capacity and the use of new technologies;

36 (iii) Avoid placing burdensome regulations on the hunger relief  
37 system, and ensure that organizations involved in wasted food  
38 prevention and rescue, and food waste recovery, retain discretion to  
39 accept or reject donations of food when appropriate;

1 (iv) Provide state technical support to wasted food prevention  
2 and rescue and food waste recovery organizations; and

3 (v) Support the development and distribution of equitable  
4 materials to support food waste and wasted food educational and  
5 programmatic efforts in K-12 schools, in collaboration with the  
6 office of the superintendent of public instruction, and aligned with  
7 the Washington state science and social studies learning standards.

8 (c) The wasted food reduction and food waste diversion plan must  
9 include suggested best practices that local governments may  
10 incorporate into solid waste management plans developed under RCW  
11 70.95.080.

12 (d) The department must solicit feedback from the public and  
13 interested stakeholders throughout the process of developing and  
14 adopting the wasted food reduction and food waste diversion plan. To  
15 assist with its food waste reduction plan development  
16 responsibilities, the department may designate a stakeholder advisory  
17 panel. If the department designates a stakeholder advisory panel, it  
18 must consist of representatives of each of the two largest caucuses  
19 of the house of representatives and each of the two largest caucuses  
20 of the senate, respectively invited upon designation by the speaker  
21 of the house of representatives and the president of the senate, and,  
22 at minimum: Local government health departments, local government  
23 solid waste departments, food banks, hunger-focused nonprofit  
24 organizations, waste-focused nonprofit organizations, K-12 public  
25 education, and food businesses or food business associations.

26 (e) The department must identify the sources of scientific,  
27 economic, or other technical information it relied upon in developing  
28 the plan required under this section, including peer-reviewed  
29 science.

30 (f) In conjunction with the development of the wasted food  
31 reduction and food waste diversion plan, the department and the  
32 departments of agriculture and health must consider recommending  
33 changes to state law in order to achieve the goal established in  
34 subsection (1) of this section. Any such recommendations must be  
35 explained via a report to the legislature submitted consistent with  
36 RCW 43.01.036 by December 1, 2020. In conjunction with the submission  
37 of the report and prior to any implementation of the plan, for any of  
38 the activities, programs, or policies in the plan that would impose  
39 new obligations on state agencies, local governments, businesses, or  
40 citizens, the department or the appropriate state agency must submit

1 agency request legislation, in combination with expected cost  
2 estimates for both government entities and private persons or  
3 businesses.

4 (4) In support of the development of the plan in subsection (3)  
5 of this section, the department of commerce must contract for an  
6 independent evaluation of the state's food waste and wasted food  
7 management system.

8 (5) The definitions in this subsection apply throughout this  
9 section unless the context clearly requires otherwise.

10 (a)(i) "Food waste" means waste from fruits, vegetables, meats,  
11 dairy products, fish, shellfish, nuts, seeds, grains, and similar  
12 materials that results from the storage, preparation, cooking,  
13 handling, selling, or serving of food for human consumption.

14 (ii) "Food waste" includes, but is not limited to, excess,  
15 spoiled, or unusable food and includes inedible parts commonly  
16 associated with food preparation such as pits, shells, bones, and  
17 peels. "Food waste" does not include dead animals not intended for  
18 human consumption or animal excrement.

19 (b) "Prevention" refers to avoiding the wasting of food in the  
20 first place and represents the greatest potential for cost savings  
21 and environmental benefits for businesses, governments, and  
22 consumers.

23 (c) "Recovery" refers to processing inedible food waste to  
24 extract value from it, through composting, anaerobic digestion, or  
25 for use as animal feedstock.

26 (d) "Rescue" refers to the redistribution of surplus edible food  
27 to other users.

28 (e) "Wasted food" means the edible portion of food waste.

29 **Sec. 3.** RCW 70.93.180 and 2015 c 15 s 3 are each amended to read  
30 as follows:

31 (1) There is hereby created an account within the state treasury  
32 to be known as the waste reduction, recycling, and litter control  
33 account. Moneys in the account may be spent only after appropriation.  
34 Expenditures from the waste reduction, recycling, and litter control  
35 account shall be used as follows:

36 (a) Fifty percent to the department of ecology, for use by the  
37 departments of ecology, natural resources, revenue, transportation,  
38 and corrections, and the parks and recreation commission, for use in  
39 litter collection programs, to be distributed under RCW 70.93.220.

1 The amount to the department of ecology shall also be used for a  
2 central coordination function for litter control efforts statewide;  
3 for statewide public awareness programs under RCW 70.93.200(7); and  
4 to support employment of youth in litter cleanup as intended in RCW  
5 70.93.020, and for litter pick up using other authorized agencies.  
6 The amount to the department shall also be used to defray the costs  
7 of administering the funding, coordination, and oversight of local  
8 government programs for waste reduction, litter control, recycling,  
9 and composting so that local governments can apply one hundred  
10 percent of their funding to achieving program goals. The amount to  
11 the department of revenue shall be used to enforce compliance with  
12 the litter tax imposed in chapter 82.19 RCW;

13 (b) (i) Twenty percent to the department for local government  
14 funding programs for waste reduction, litter control, recycling  
15 activities, and composting activities by cities and counties under  
16 RCW 70.93.250, to be administered by the department of ecology; (ii)  
17 any unspent funds under (b) (i) of this subsection may be used to  
18 create and pay for a matching fund competitive grant program to be  
19 used by local governments and nonprofit organizations for local or  
20 statewide education programs designed to help the public with litter  
21 control, waste reduction, recycling, and composting of primarily the  
22 products taxed under chapter 82.19 RCW. Recipients under this  
23 subsection include programs to reduce wasted food and food waste that  
24 are designed to achieve the goals established in section 2(1) of this  
25 act and that are consistent with the plan developed in section 2(3)  
26 of this act. Grants must adhere to the following requirements: (A) No  
27 grant may exceed sixty thousand dollars; (B) grant recipients shall  
28 match the grant funding allocated by the department by an amount  
29 equal to twenty-five percent of eligible expenses. A local  
30 government's share of these costs may be met by cash or contributed  
31 services; (C) the obligation of the department to make grant payments  
32 is contingent upon the availability of the amount of money  
33 appropriated for this subsection (1)(b); and (D) grants are managed  
34 under the guidelines for existing grant programs; and

35 (c) Thirty percent to the department of ecology to: (i) Implement  
36 activities under RCW 70.93.200 for waste reduction, recycling, and  
37 composting efforts; (ii) provide technical assistance to local  
38 governments for commercial business and residential recycling  
39 programs primarily for the products taxed under chapter 82.19 RCW  
40 designed to educate citizens about waste reduction, litter control,

1 and recyclable and compostable products and programs; (~~and~~) (iii)  
2 increase access to waste reduction, composting, and recycling  
3 programs, particularly for food packaging and plastic bags and  
4 appropriate composting techniques; and (iv) for programs to reduce  
5 wasted food and food waste that are designed to achieve the goals  
6 established in section 2(1) of this act and that are consistent with  
7 the plan developed in section 2(3) of this act.

8 (2) All taxes imposed in RCW 82.19.010 and fines and bail  
9 forfeitures collected or received pursuant to this chapter shall be  
10 deposited in the waste reduction, recycling, and litter control  
11 account and used for the programs under subsection (1) of this  
12 section.

13 (3) Not less than five percent and no more than ten percent of  
14 the amount appropriated into the waste reduction, recycling, and  
15 litter control account every biennium shall be reserved for capital  
16 needs, including the purchase of vehicles for transporting crews and  
17 for collecting litter and solid waste. Capital funds shall be  
18 distributed among state agencies and local governments according to  
19 the same criteria provided in RCW 70.93.220 for the remainder of the  
20 funds, so that the most effective waste reduction, litter control,  
21 recycling, and composting programs receive the most funding. The  
22 intent of this subsection is to provide funds for the purchase of  
23 equipment that will enable the department to account for the greatest  
24 return on investment in terms of reaching a zero litter goal.

25 (4) Funds in the waste reduction, recycling, and litter control  
26 account, collected under chapter 82.19 RCW, must be prioritized for  
27 the products identified under RCW 82.19.020 solely for the purposes  
28 of recycling, composting, and litter collection, reduction, and  
29 control programs.

30 **Sec. 4.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to  
31 read as follows:

32 Each county and city comprehensive solid waste management plan  
33 shall include the following:

34 (1) A detailed inventory and description of all existing solid  
35 waste handling facilities including an inventory of any deficiencies  
36 in meeting current solid waste handling needs.

37 (2) The estimated long-range needs for solid waste handling  
38 facilities projected twenty years into the future.

1 (3) A program for the orderly development of solid waste handling  
2 facilities in a manner consistent with the plans for the entire  
3 county which shall:

4 (a) Meet the minimum functional standards for solid waste  
5 handling adopted by the department and all laws and regulations  
6 relating to air and water pollution, fire prevention, flood control,  
7 and protection of public health;

8 (b) Take into account the comprehensive land use plan of each  
9 jurisdiction;

10 (c) Contain a six year construction and capital acquisition  
11 program for solid waste handling facilities; and

12 (d) Contain a plan for financing both capital costs and  
13 operational expenditures of the proposed solid waste management  
14 system.

15 (4) A program for surveillance and control.

16 (5) A current inventory and description of solid waste collection  
17 needs and operations within each respective jurisdiction which shall  
18 include:

19 (a) Any franchise for solid waste collection granted by the  
20 utilities and transportation commission in the respective  
21 jurisdictions including the name of the holder of the franchise and  
22 the address of his or her place of business and the area covered by  
23 the franchise;

24 (b) Any city solid waste operation within the county and the  
25 boundaries of such operation;

26 (c) The population density of each area serviced by a city  
27 operation or by a franchised operation within the respective  
28 jurisdictions;

29 (d) The projected solid waste collection needs for the respective  
30 jurisdictions for the next six years.

31 (6) A comprehensive waste reduction and recycling element that,  
32 in accordance with the priorities established in RCW 70.95.010,  
33 provides programs that (a) reduce the amount of waste generated, (b)  
34 provide incentives and mechanisms for source separation, and (c)  
35 establish recycling opportunities for the source separated waste.

36 (7) The waste reduction and recycling element shall include the  
37 following:

38 (a) Waste reduction strategies, which may include strategies to  
39 reduce wasted food and food waste that are designed to achieve the



1 goals established in section 2(1) of this act and that are consistent  
2 with the plan developed in section 2(3) of this act;

3 (b) Source separation strategies, including:

4 (i) Programs for the collection of source separated materials  
5 from residences in urban and rural areas. In urban areas, these  
6 programs shall include collection of source separated recyclable  
7 materials from single and multiple-family residences, unless the  
8 department approves an alternative program, according to the criteria  
9 in the planning guidelines. Such criteria shall include: Anticipated  
10 recovery rates and levels of public participation, availability of  
11 environmentally sound disposal capacity, access to markets for  
12 recyclable materials, unreasonable cost impacts on the ratepayer over  
13 the six-year planning period, utilization of environmentally sound  
14 waste reduction and recycling technologies, and other factors as  
15 appropriate. In rural areas, these programs shall include but not be  
16 limited to drop-off boxes, buy-back centers, or a combination of  
17 both, at each solid waste transfer, processing, or disposal site, or  
18 at locations convenient to the residents of the county. The drop-off  
19 boxes and buy-back centers may be owned or operated by public,  
20 nonprofit, or private persons;

21 (ii) Programs to monitor the collection of source separated waste  
22 at nonresidential sites where there is sufficient density to sustain  
23 a program;

24 (iii) Programs to collect yard waste and food waste, if the  
25 county or city submitting the plan finds that there are adequate  
26 markets or capacity for composted yard waste and food waste within or  
27 near the service area to consume the majority of the material  
28 collected; and

29 (iv) Programs to educate and promote the concepts of waste  
30 reduction and recycling;

31 (c) Recycling strategies, including a description of markets for  
32 recyclables, a review of waste generation trends, a description of  
33 waste composition, a discussion and description of existing programs  
34 and any additional programs needed to assist public and private  
35 sector recycling, and an implementation schedule for the designation  
36 of specific materials to be collected for recycling, and for the  
37 provision of recycling collection services;

38 (d) Other information the county or city submitting the plan  
39 determines is necessary.

1 (8) An assessment of the plan's impact on the costs of solid  
2 waste collection. The assessment shall be prepared in conformance  
3 with guidelines established by the utilities and transportation  
4 commission. The commission shall cooperate with the Washington state  
5 association of counties and the association of Washington cities in  
6 establishing such guidelines.

7 (9) A review of potential areas that meet the criteria as  
8 outlined in RCW 70.95.165.

9 **Sec. 5.** RCW 70.105D.070 and 2018 c 299 s 911 are each amended to  
10 read as follows:

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

13 (2)(a) Moneys collected under RCW 82.21.030 must be deposited as  
14 follows: Fifty-six percent to the state toxics control account under  
15 subsection (3) of this section and forty-four percent to the local  
16 toxics control account under subsection (4) of this section. When the  
17 cumulative amount of deposits made to the state and local toxics  
18 control accounts under this section reaches the limit during a fiscal  
19 year as established in (b) of this subsection, the remainder of the  
20 moneys collected under RCW 82.21.030 during that fiscal year must be  
21 deposited into the environmental legacy stewardship account created  
22 in RCW 70.105D.170.

23 (b) The limit on distributions of moneys collected under RCW  
24 82.21.030 to the state and local toxics control accounts for the  
25 fiscal year beginning July 1, 2013, is one hundred forty million  
26 dollars.

27 (c) In addition to the funds required under (a) of this  
28 subsection, the following moneys must be deposited into the state  
29 toxics control account: (i) The costs of remedial actions recovered  
30 under this chapter (~~or chapter 70.105A RCW~~); (ii) penalties  
31 collected or recovered under this chapter; and (iii) any other money  
32 appropriated or transferred to the account by the legislature.

33 (3) Moneys in the state toxics control account must be used only  
34 to carry out the purposes of this chapter, including but not limited  
35 to the following activities:

36 (a) The state's responsibility for hazardous waste planning,  
37 management, regulation, enforcement, technical assistance, and public  
38 education required under chapter 70.105 RCW;

1 (b) The state's responsibility for solid waste planning,  
2 management, regulation, enforcement, technical assistance, and public  
3 education required under chapter 70.95 RCW;

4 (c) The hazardous waste clean-up program required under this  
5 chapter;

6 (d) State matching funds required under federal cleanup law;

7 (e) Financial assistance for local programs in accordance with  
8 chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

9 (f) State government programs for the safe reduction, recycling,  
10 or disposal of paint and hazardous wastes from households, small  
11 businesses, and agriculture;

12 (g) Oil and hazardous materials spill prevention, preparedness,  
13 training, and response activities;

14 (h) Water and environmental health protection and monitoring  
15 programs;

16 (i) Programs authorized under chapter 70.146 RCW;

17 (j) A public participation program;

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

26 (l) Development and demonstration of alternative management  
27 technologies designed to carry out the hazardous waste management  
28 priorities of RCW 70.105.150;

29 (m) State agriculture and health programs for the safe use,  
30 reduction, recycling, or disposal of pesticides;

31 (n) Stormwater pollution control projects and activities that  
32 protect or preserve existing remedial actions or prevent hazardous  
33 clean-up sites;

34 (o) Funding requirements to maintain receipt of federal funds  
35 under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et  
36 seq.);

37 (p) Air quality programs and actions for reducing public exposure  
38 to toxic air pollution;

1 (q) Public funding to assist prospective purchasers to pay for  
2 the costs of remedial action in compliance with clean-up standards  
3 under RCW 70.105D.030(2) (e) if:

4 (i) The facility is located within a redevelopment opportunity  
5 zone designated under RCW 70.105D.150;

6 (ii) The amount and terms of the funding are established under a  
7 settlement agreement under RCW 70.105D.040(5); and

8 (iii) The director has found the funding meets any additional  
9 criteria established in rule by the department, will achieve a  
10 substantially more expeditious or enhanced cleanup than would  
11 otherwise occur, and will provide a public benefit in addition to  
12 cleanup commensurate with the scope of the public funding;

13 (r) Petroleum-based plastic or expanded polystyrene foam debris  
14 cleanup activities in fresh or marine waters;

15 (s) Appropriations to the local toxics control account or the  
16 environmental legacy stewardship account created in RCW 70.105D.170,  
17 if the legislature determines that priorities for spending exceed  
18 available funds in those accounts;

19 (t) During the 2015-2017 and 2017-2019 fiscal biennia, the  
20 department of ecology's water quality, shorelands, environmental  
21 assessment, administration, and air quality programs;

22 (u) During the 2013-2015 fiscal biennium, actions at the state  
23 conservation commission to improve water quality for shellfish;

24 (v) During the 2013-2015 and 2015-2017 fiscal biennia, actions at  
25 the University of Washington for reducing ocean acidification;

26 (w) During the 2015-2017 and 2017-2019 fiscal biennia, for the  
27 University of Washington Tacoma soil remediation project;

28 (x) For the 2013-2015 fiscal biennium, moneys in the state toxics  
29 control account may be spent on projects in section 3160, chapter 19,  
30 Laws of 2013 2nd sp. sess. and for transfer to the local toxics  
31 control account;

32 (y) For the 2013-2015 fiscal biennium, moneys in the state toxics  
33 control account may be transferred to the radioactive mixed waste  
34 account; and

35 (z) For the 2015-2017 and 2017-2019 fiscal biennia, forest  
36 practices regulation at the department of natural resources.

37 (4) (a) The department shall use moneys deposited in the local  
38 toxics control account for grants or loans to local governments for  
39 the following purposes in descending order of priority:

1 (i) Extended grant agreements entered into under (~~(e)~~) (e)(i)  
2 of this subsection;

3 (ii) Remedial actions, including planning for adaptive reuse of  
4 properties as provided for under (~~(e)~~) (e)(iv) of this subsection.  
5 The department must prioritize funding of remedial actions at:

6 (A) Facilities on the department's hazardous sites list with a  
7 high hazard ranking for which there is an approved remedial action  
8 work plan or an equivalent document under federal cleanup law;

9 (B) Brownfield properties within a redevelopment opportunity zone  
10 if the local government is a prospective purchaser of the property  
11 and there is a department-approved remedial action work plan or  
12 equivalent document under the federal cleanup law;

13 (iii) Stormwater pollution source projects that: (A) Work in  
14 conjunction with a remedial action; (B) protect completed remedial  
15 actions against recontamination; or (C) prevent hazardous clean-up  
16 sites;

17 (iv) Hazardous waste plans and programs under chapter 70.105 RCW;

18 (v) Solid waste plans and programs under chapters 70.95, 70.95C,  
19 70.95I, and 70.105 RCW. Programs under this subsection include  
20 programs to reduce wasted food and food waste that are designed to  
21 achieve the goals established in section 2(1) of this act and that  
22 are consistent with the plan developed in section 2(3) of this act;

23 (vi) Petroleum-based plastic or expanded polystyrene foam debris  
24 cleanup activities in fresh or marine waters; and

25 (vii) Appropriations to the state toxics control account or the  
26 environmental legacy stewardship account created in RCW 70.105D.170,  
27 if the legislature determines that priorities for spending exceed  
28 available funds in those accounts.

29 (b) Funds for plans and programs must be allocated consistent  
30 with the priorities and matching requirements established in chapters  
31 70.105, 70.95C, 70.95I, and 70.95 RCW.

32 (c) During the 2013-2015 fiscal biennium, the local toxics  
33 control account may also be used for local government stormwater  
34 planning and implementation activities.

35 (d) During the 2013-2015 fiscal biennium, the legislature may  
36 transfer from the local toxics control account to the state general  
37 fund, such amounts as reflect the excess fund balance in the account.

38 (e) To expedite cleanups throughout the state, the department may  
39 use the following strategies when providing grants to local  
40 governments under this subsection:

1 (i) Enter into an extended grant agreement with a local  
2 government conducting remedial actions at a facility where those  
3 actions extend over multiple biennia and the total eligible cost of  
4 those actions exceeds twenty million dollars. The agreement is  
5 subject to the following limitations:

6 (A) The initial duration of such an agreement may not exceed ten  
7 years. The department may extend the duration of such an agreement  
8 upon finding substantial progress has been made on remedial actions  
9 at the facility;

10 (B) Extended grant agreements may not exceed fifty percent of the  
11 total eligible remedial action costs at the facility; and

12 (C) The department may not allocate future funding to an extended  
13 grant agreement unless the local government has demonstrated to the  
14 department that funds awarded under the agreement during the previous  
15 biennium have been substantially expended or contracts have been  
16 entered into to substantially expend the funds;

17 (ii) Enter into a grant agreement with a local government  
18 conducting a remedial action that provides for periodic reimbursement  
19 of remedial action costs as they are incurred as established in the  
20 agreement;

21 (iii) Enter into a grant agreement with a local government prior  
22 to it acquiring a property or obtaining necessary access to conduct  
23 remedial actions, provided the agreement is conditioned upon the  
24 local government acquiring the property or obtaining the access in  
25 accordance with a schedule specified in the agreement;

26 (iv) Provide integrated planning grants to local governments to  
27 fund studies necessary to facilitate remedial actions at brownfield  
28 properties and adaptive reuse of properties following remediation.  
29 Eligible activities include, but are not limited to: Environmental  
30 site assessments; remedial investigations; health assessments;  
31 feasibility studies; site planning; community involvement; land use  
32 and regulatory analyses; building and infrastructure assessments;  
33 economic and fiscal analyses; and any environmental analyses under  
34 chapter 43.21C RCW;

35 (v) Provide grants to local governments for remedial actions  
36 related to area-wide groundwater contamination. To receive the  
37 funding, the local government does not need to be a potentially  
38 liable person or be required to seek reimbursement of grant funds  
39 from a potentially liable person;

1 (vi) 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 opportunities, or habitat restoration  
8 opportunities that would not otherwise occur; or

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

12 (vii) When pending grant applications under (e)(iv) and (v) of  
13 this subsection (4) exceed the amount of funds available, designated  
14 redevelopment opportunity zones must receive priority for  
15 distribution of available funds.

16 (f) To expedite multiparty clean-up efforts, the department may  
17 purchase remedial action cost-cap insurance. For the 2013-2015 fiscal  
18 biennium, moneys in the local toxics control account may be spent on  
19 projects in sections 3024, 3035, 3036, and 3059, chapter 19, Laws of  
20 2013 2nd sp. sess.

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

24 (6) No moneys deposited into either the state or local toxics  
25 control account may be used for: Natural disasters where there is no  
26 hazardous substance contamination; high performance buildings; solid  
27 waste incinerator facility feasibility studies, construction,  
28 maintenance, or operation; or projects designed to address the  
29 restoration of Puget Sound, funded in a competitive grant process,  
30 that are in conflict with the action agenda developed by the Puget  
31 Sound partnership under RCW 90.71.310. However, this subsection does  
32 not prevent an appropriation from the state toxics control account to  
33 the department of revenue to enforce compliance with the hazardous  
34 substance tax imposed in chapter 82.21 RCW.

35 (7) Except during the 2011-2013 and the 2015-2017 fiscal biennia,  
36 one percent of the moneys collected under RCW 82.21.030 shall be  
37 allocated only for public participation grants to persons who may be  
38 adversely affected by a release or threatened release of a hazardous  
39 substance and to not-for-profit public interest organizations. The  
40 primary purpose of these grants is to facilitate the participation by

1 persons and organizations in the investigation and remedying of  
2 releases or threatened releases of hazardous substances and to  
3 implement the state's solid and hazardous waste management  
4 priorities, including programs that are designed to achieve the goals  
5 established in section 2(1) of this act and that are consistent with  
6 the plan developed in section 2(3) of this act. No grant may exceed  
7 sixty thousand dollars. Grants may be renewed annually. Moneys  
8 appropriated for public participation that are not expended at the  
9 close of any biennium revert to the state toxics control account.

10 (8) The department shall adopt rules for grant or loan issuance  
11 and performance. To accelerate both remedial action and economic  
12 recovery, the department may expedite the adoption of rules necessary  
13 to implement chapter 1, Laws of 2013 2nd sp. sess. using the  
14 expedited procedures in RCW 34.05.353. The department shall initiate  
15 the award of financial assistance by August 1, 2013. To ensure the  
16 adoption of rules will not delay financial assistance, the department  
17 may administer the award of financial assistance through interpretive  
18 guidance pending the adoption of rules through July 1, 2014.

19 (9) Except as provided under subsection (3)(k) and (q) of this  
20 section, nothing in chapter 1, Laws of 2013 2nd sp. sess. affects the  
21 ability of a potentially liable person to receive public funding.

22 (10) During the 2015-2017 fiscal biennium the local toxics  
23 control account may also be used for the centennial clean water  
24 program and for the stormwater financial assistance program  
25 administered by the department of ecology.

26 (11) During the 2017-2019 fiscal biennium:

27 (a) The state toxics control account, the local toxics control  
28 account, and the environmental legacy stewardship account may be used  
29 for interchangeable purposes and funds may be transferred between  
30 accounts to accomplish those purposes.

31 (b) The legislature may direct the state treasurer to make  
32 transfers of moneys in the state toxics control account to the water  
33 pollution control revolving account.

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