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**HOUSE BILL 1192**

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**State of Washington****67th Legislature****2021 Regular Session**

**By** Representatives Goodman and Dufault; by request of Statute Law Committee

Read first time 01/14/21. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to making technical corrections and removing  
2 obsolete language from the Revised Code of Washington pursuant to RCW  
3 1.08.025; amending RCW 7.60.025, 7.60.150, 7.80.120, 8.25.280,  
4 15.58.180, 15.66.017, 15.115.020, 18.106.010, 18.210.130, 19.27.080,  
5 19.27.580, 19.27A.210, 19.405.090, 28B.10.926, 28B.130.010,  
6 34.05.272, 35A.56.010, 36.32.265, 39.04.175, 39.26.265, 39.26.310,  
7 39.34.190, 43.01.225, 43.01.230, 43.01.240, 43.19.623, 43.19.637,  
8 43.19.800, 43.20.050, 43.20.065, 43.21K.010, 43.21K.020, 43.21K.030,  
9 43.30.570, 43.42.070, 43.70.080, 43.70.660, 43.83.350, 43.131.421,  
10 43.131.422, 43.155.070, 46.37.470, 46.55.230, 46.80.020, 47.01.475,  
11 47.28.220, 49.17.270, 49.70.175, 52.12.150, 53.08.470, 54.04.092,  
12 57.08.017, 64.44.010, 69.07.170, 69.48.060, 69.50.511, 69.55.020,  
13 70.79.090, 70.290.050, 70A.45.090, 70A.45.100, 70A.325.070,  
14 70A.325.130, 70A.330.010, 70A.445.020, 70A.530.020, 70A.530.020,  
15 76.04.205, 76.09.905, 77.12.734, 77.60.170, 78.44.050, 78.56.020,  
16 78.56.040, 78.56.100, 78.56.150, 79.100.030, 79.100.050, 79A.05.050,  
17 79A.05.189, 80.01.300, 80.04.110, 80.04.180, 80.28.030, 80.28.110,  
18 80.70.010, 80.70.040, 81.04.010, 81.88.160, 90.44.105, and 26.51.020;  
19 reenacting and amending RCW 15.86.020, 18.104.020, 43.19A.010,  
20 46.16A.060, 70.345.010, 70A.345.030, and 80.04.010; reenacting RCW  
21 53.54.030 and 70.97.040; creating a new section; decodifying RCW  
22 1.08.130; and providing an effective date.

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

2 NEW SECTION. **Sec. 1.** RCW 1.08.025 directs the code reviser,  
3 with the approval of the statute law committee, to prepare  
4 legislation for submission to the legislature "concerning  
5 deficiencies, conflicts, or obsolete provisions" in statutes. This  
6 act makes technical, nonsubstantive amendments as follows:

7 (1) Section 2 of this act decodifies an obsolete section.

8 (2) Sections 3 through 5 of this act merge double amendments  
9 created when sections were amended in the 2020 legislative session  
10 without reference to the amendments made in the same session.

11 (3) Chapter 20, Laws of 2020 (SHB 2246) reorganized certain  
12 environmental statutes and recodified numerous statutes to create a  
13 new Title 70A RCW. Sections 6 through 102 of this act update and  
14 correct many of the RCW citations impacted by chapter 20, Laws of  
15 2020.

16 (4) Section 103 of this act corrects an erroneous chapter  
17 reference.

18 NEW SECTION. **Sec. 2.** RCW 1.08.130 (Gender neutral language—Code  
19 improvement) is decodified.

20 **Sec. 3.** RCW 53.54.030 and 2020 c 112 s 1 and 2020 c 105 s 3 are  
21 each reenacted to read as follows:

22 (1) For the purposes of this chapter, in developing a remedial  
23 program, the port commission may take steps as appropriate including,  
24 but not limited to, one or more of the following programs:

25 (a) Acquisition of property or property rights within the  
26 impacted area, which shall be deemed necessary to accomplish a port  
27 purpose. The port district may purchase such property or property  
28 rights by time payment notwithstanding the time limitations provided  
29 for in RCW 53.08.010. The port district may mortgage or otherwise  
30 pledge any such properties acquired to secure such transactions. The  
31 port district may assume any outstanding mortgages.

32 (b) Transaction assistance programs, including assistance with  
33 real estate fees and mortgage assistance, and other neighborhood  
34 remedial programs as compensation for impacts due to aircraft noise  
35 and noise associated conditions. Any such programs shall be in  
36 connection with properties located within an impacted area and shall

1 be provided upon terms and conditions as the port district shall  
2 determine appropriate.

3 (c) Programs of soundproofing structures located within an  
4 impacted area. Such programs may be executed without regard to the  
5 ownership, provided the owner waives damages and conveys an easement  
6 for the operation of aircraft, and for noise and noise associated  
7 conditions therewith, to the port district.

8 (d) Mortgage insurance of private owners of lands or improvements  
9 within such noise impacted area where such private owners are unable  
10 to obtain mortgage insurance solely because of noise impact. In this  
11 regard, the port district may establish reasonable regulations and  
12 may impose reasonable conditions and charges upon the granting of  
13 such mortgage insurance. Such mortgage insurance fees and charges  
14 shall at no time exceed fees established for federal mortgage  
15 insurance programs for like service.

16 (e) Management of all lands, easements, or development rights  
17 acquired, including but not limited to the following:

18 (i) Rental of any or all lands or structures acquired;

19 (ii) Redevelopment of any such lands for any economic use  
20 consistent with airport operations, local zoning and the state  
21 environmental policy;

22 (iii) Sale of such properties for cash or for time payment and  
23 subjection of such property to mortgage or other security  
24 transaction: PROVIDED, That any such sale shall reserve to the port  
25 district by covenant an unconditional right of easement for the  
26 operation of all aircraft and for all noise or noise conditions  
27 associated therewith.

28 (2)(a) An individual property may be provided benefits by the  
29 port district under each of the programs described in subsection (1)  
30 of this section. However, an individual property may not be provided  
31 benefits under any one of these programs more than once, unless the  
32 property:

33 (i) Is subjected to increased aircraft noise or differing  
34 aircraft noise impacts that would have afforded different levels of  
35 mitigation, even if the property owner had waived all damages and  
36 conveyed a full and unrestricted easement; or

37 (ii) Contains a soundproofing installation, structure, or other  
38 type of sound mitigation equipment product or benefit previously  
39 installed pursuant to the remedial program under this chapter by the

1 port district that is determined through inspection to be in need of  
2 a repair or replacement.

3 (b) Port districts choosing to exercise the authority under  
4 (a)(ii) of this subsection are required to conduct inspections of  
5 homes where mitigation improvements are no longer working as  
6 intended. In those properties, port districts must work with a state  
7 certified building inspector to determine whether package failure  
8 resulted in additional hazards or structural damage to the property.

9 (3) A property shall be considered within the impacted area if  
10 any part thereof is within the impacted area.

11 **Sec. 4.** RCW 70.97.040 and 2020 c 312 s 730 and 2020 c 278 s 3  
12 are each reenacted to read as follows:

13 Every person who is a resident of an enhanced services facility  
14 shall be entitled to all of the rights set forth in chapter 70.129  
15 RCW.

16 NEW SECTION. **Sec. 5.** Section 4 of this act takes effect January  
17 1, 2022.

18 **Sec. 6.** RCW 7.60.025 and 2019 c 389 s 1 are each amended to read  
19 as follows:

20 (1) A receiver may be appointed by the superior court of this  
21 state in the following instances, but except in any case in which a  
22 receiver's appointment is expressly required by statute, or any case  
23 in which a receiver's appointment is sought by a state agent whose  
24 authority to seek the appointment of a receiver is expressly  
25 conferred by statute, or any case in which a receiver's appointment  
26 with respect to real property is sought under (b)(ii) of this  
27 subsection, a receiver shall be appointed only if the court  
28 additionally determines that the appointment of a receiver is  
29 reasonably necessary and that other available remedies either are not  
30 available or are inadequate:

31 (a) On application of any party, when the party is determined to  
32 have a probable right to or interest in property that is a subject of  
33 the action and in the possession of an adverse party, or when the  
34 property or its revenue-producing potential is in danger of being  
35 lost or materially injured or impaired. A receiver may be appointed  
36 under this subsection (1)(a) whether or not the application for

1 appointment of a receiver is combined with, or is ancillary to, an  
2 action seeking a money judgment or other relief;

3 (b) Provisionally, after commencement of any judicial action or  
4 nonjudicial proceeding to foreclose upon any lien against or for  
5 forfeiture of any interest in real or personal property, on  
6 application of any person, when the interest in the property that is  
7 the subject of such an action or proceeding of the person seeking the  
8 receiver's appointment is determined to be probable and either:

9 (i) The property or its revenue-producing potential is in danger  
10 of being lost or materially injured or impaired; or

11 (ii) The appointment of a receiver with respect to the real or  
12 personal property that is the subject of the action or proceeding is  
13 provided for by agreement or is reasonably necessary to effectuate or  
14 enforce an assignment of rents or other revenues from the property.  
15 For purposes of this subsection (1)(b), a judicial action is  
16 commenced as provided in superior court civil rule 3(a), a  
17 nonjudicial proceeding is commenced under chapter 61.24 RCW upon the  
18 service of notice of default described in RCW 61.24.030(8), and a  
19 proceeding for forfeiture is commenced under chapter 61.30 RCW upon  
20 the recording of the notice of intent to forfeit described in RCW  
21 61.30.060;

22 (c) After judgment, in order to give effect to the judgment;

23 (d) To dispose of property according to provisions of a judgment  
24 dealing with its disposition;

25 (e) To the extent that property is not exempt from execution, at  
26 the instance of a judgment creditor either before or after the  
27 issuance of any execution, to preserve or protect it, or prevent its  
28 transfer;

29 (f) If and to the extent that property is subject to execution to  
30 satisfy a judgment, to preserve the property during the pendency of  
31 an appeal, or when an execution has been returned unsatisfied, or  
32 when an order requiring a judgment debtor to appear for proceedings  
33 supplemental to judgment has been issued and the judgment debtor  
34 fails to submit to examination as ordered;

35 (g) Upon an attachment of real or personal property when the  
36 property attached is of a perishable nature or is otherwise in danger  
37 of waste, impairment, or destruction, or where the abandoned  
38 property's owner has absconded with, secreted, or abandoned the  
39 property, and it is necessary to collect, conserve, manage, control,  
40 or protect it, or to dispose of it promptly, or when the court

1 determines that the nature of the property or the exigency of the  
2 case otherwise provides cause for the appointment of a receiver;

3 (h) In an action by a transferor of real or personal property to  
4 avoid or rescind the transfer on the basis of fraud, or in an action  
5 to subject property or a fund to the payment of a debt;

6 (i) In an action against any person who is not an individual if  
7 the object of the action is the dissolution of that person, or if  
8 that person has been dissolved, or if that person is insolvent or is  
9 not generally paying the person's debts as those debts become due  
10 unless they are the subject of bona fide dispute, or if that person  
11 is in imminent danger of insolvency;

12 (j) In accordance with RCW 7.08.030 (4) and (6), in cases in  
13 which a general assignment for the benefit of creditors has been  
14 made;

15 (k) In quo warranto proceedings under chapter 7.56 RCW;

16 (l) As provided under RCW 11.64.022;

17 (m) In an action by the department of licensing under RCW  
18 18.35.220(3) with respect to persons engaged in the business of  
19 dispensing of hearing aids, RCW 18.85.430 in the case of persons  
20 engaged in the business of a real estate broker, associate real  
21 estate broker, or real estate salesperson, or RCW 19.105.470 with  
22 respect to persons engaged in the business of camping resorts;

23 (n) In an action under RCW 18.44.470 or 18.44.490 in the case of  
24 persons engaged in the business of escrow agents;

25 (o) Upon a petition with respect to a nursing home in accordance  
26 with and subject to receivership provisions under chapter 18.51 RCW;

27 (p) In connection with a proceeding for relief with respect to a  
28 voidable transfer as to a present or future creditor under RCW  
29 19.40.041 or a present creditor under RCW 19.40.051;

30 (q) Under RCW 19.100.210(1), in an action by the attorney general  
31 or director of financial institutions to restrain any actual or  
32 threatened violation of the franchise investment protection act;

33 (r) In an action by the attorney general or by a prosecuting  
34 attorney under RCW 19.110.160 with respect to a seller of business  
35 opportunities;

36 (s) In an action by the director of financial institutions under  
37 RCW 21.20.390 in cases involving actual or threatened violations of  
38 the securities act of Washington or under RCW 21.30.120 in cases  
39 involving actual or threatened violations of chapter 21.30 RCW with  
40 respect to certain businesses and transactions involving commodities;

1 (t) In an action for or relating to dissolution of a business  
2 corporation under RCW 23B.14.065, 23B.14.300, 23B.14.310, or  
3 23B.14.320, for dissolution of a nonprofit corporation under RCW  
4 24.03.271, for dissolution of a mutual corporation under RCW  
5 24.06.305, or in any other action for the dissolution or winding up  
6 of any other entity provided for by Title 23, 23B, 24, or 25 RCW;

7 (u) In any action in which the dissolution of any public or  
8 private entity is sought, in any action involving any dispute with  
9 respect to the ownership or governance of such an entity, or upon the  
10 application of a person having an interest in such an entity when the  
11 appointment is reasonably necessary to protect the property of the  
12 entity or its business or other interests;

13 (v) Under RCW 25.05.215, in aid of a charging order with respect  
14 to a partner's interest in a partnership;

15 (w) Under and subject to RCW 30A.44.100, 30A.44.270, and  
16 30A.56.030, in the case of a state commercial bank, RCW 30B.44B.100,  
17 in the case of a state trust company, RCW 32.24.070, 32.24.073,  
18 32.24.080, and 32.24.090, in the case of a state savings bank;

19 (x) Under and subject to RCW 31.12.637 and 31.12.671 through  
20 31.12.724, in the case of credit unions;

21 (y) Upon the application of the director of financial  
22 institutions under RCW 31.35.090 in actions to enforce chapter 31.35  
23 RCW applicable to agricultural lenders, under RCW 31.40.120 in  
24 actions to enforce chapter 31.40 RCW applicable to entities engaged  
25 in federally guaranteed small business loans, under RCW 31.45.160 in  
26 actions to enforce chapter 31.45 RCW applicable to persons licensed  
27 as check cashers or check sellers, or under RCW 19.230.230 in actions  
28 to enforce chapter 19.230 RCW applicable to persons licensed under  
29 the uniform money services act;

30 (z) Under RCW 35.82.090 or 35.82.180, with respect to a housing  
31 project;

32 (aa) Under RCW 39.84.160 or 43.180.360, in proceedings to enforce  
33 rights under any revenue bonds issued for the purpose of financing  
34 industrial development facilities or bonds of the Washington state  
35 housing finance commission, or any financing document securing any  
36 such bonds;

37 (bb) Under and subject to RCW 43.70.195, in an action by the  
38 secretary of health or by a local health officer with respect to a  
39 public water system;

1 (cc) As contemplated by RCW 61.24.030, with respect to real  
2 property that is the subject of nonjudicial foreclosure proceedings  
3 under chapter 61.24 RCW;

4 (dd) As contemplated by RCW 61.30.030(3), with respect to real  
5 property that is the subject of judicial or nonjudicial forfeiture  
6 proceedings under chapter 61.30 RCW;

7 (ee) Under RCW 64.32.200(2), in an action or proceeding commenced  
8 under chapter 61.12 or 61.24 RCW to foreclose upon a lien for common  
9 expenses against a dwelling unit subject to the horizontal property  
10 regimes act, chapter 64.32 RCW. For purposes of this subsection  
11 (1)(ee), a judicial action is commenced as provided in superior court  
12 civil rule 3(a) and a nonjudicial proceeding is commenced under  
13 chapter 61.24 RCW upon the service of notice of default described in  
14 RCW 61.24.030(8);

15 (ff) Under RCW 64.34.364(10), in an action or proceeding  
16 commenced under chapter 61.12 or 61.24 RCW by a unit owners'  
17 association to foreclose a lien for nonpayment of delinquent  
18 assessments against condominium units. For purposes of this  
19 subsection (1)(ff), a judicial action is commenced as provided in  
20 superior court civil rule (3)(a) and a nonjudicial proceeding is  
21 commenced under chapter 61.24 RCW upon the service of notice of  
22 default described in RCW 61.24.030(8);

23 (gg) Upon application of the attorney general under RCW  
24 64.36.220(3), in aid of any writ or order restraining or enjoining  
25 violations of chapter 64.36 RCW applicable to timeshares;

26 (hh) Under RCW (~~70.95A.050~~) 70A.210.070(3), in aid of the  
27 enforcement of payment or performance of municipal bonds issued with  
28 respect to facilities used to abate, control, or prevent pollution;

29 (ii) Upon the application of the department of social and health  
30 services under RCW 74.42.580, in cases involving nursing homes;

31 (jj) Upon the application of the utilities and transportation  
32 commission under RCW 80.28.040, with respect to a water company or  
33 wastewater company that has failed to comply with an order of such  
34 commission within the time deadline specified therein;

35 (kk) Under RCW 87.56.065, in connection with the dissolution of  
36 an irrigation district;

37 (ll) Upon application of the attorney general or the department  
38 of licensing, in any proceeding that either of them are authorized by  
39 statute to bring to enforce Title 18 or 19 RCW; the securities act of  
40 Washington, chapter 21.20 RCW; the Washington commodities act,



1 chapter 21.30 RCW; the land development act, chapter 58.19 RCW; or  
2 under chapter 64.36 RCW relating to the regulation of timeshares;

3 (mm) Upon application of the director of financial institutions  
4 in any proceeding that the director of financial institutions is  
5 authorized to bring to enforce chapters 31.35, 31.40, and 31.45 RCW;  
6 or

7 (nn) In such other cases as may be provided for by law, or when,  
8 in the discretion of the court, it may be necessary to secure ample  
9 justice to the parties.

10 (2) The superior courts of this state shall appoint as receiver  
11 of property located in this state a person who has been appointed by  
12 a federal or state court located elsewhere as receiver with respect  
13 to the property specifically or with respect to the owner's property  
14 generally, upon the application of the person or of any party to that  
15 foreign proceeding, and following the appointment shall give effect  
16 to orders, judgments, and decrees of the foreign court affecting the  
17 property in this state held by the receiver, unless the court  
18 determines that to do so would be manifestly unjust or inequitable.  
19 The venue of such a proceeding may be any county in which the person  
20 resides or maintains any office, or any county in which any property  
21 over which the receiver is to be appointed is located at the time the  
22 proceeding is commenced.

23 (3) At least seven days' notice of any application for the  
24 appointment of a receiver must be given to the owner of property to  
25 be subject thereto and to all other parties in the action, and to  
26 other parties in interest as the court may require. If any execution  
27 by a judgment creditor under Title 6 RCW or any application by a  
28 judgment creditor for the appointment of a receiver, with respect to  
29 property over which the receiver's appointment is sought, is pending  
30 in any other action at the time the application is made, then notice  
31 of the application for the receiver's appointment also must be given  
32 to the judgment creditor in the other action. The court may shorten  
33 or expand the period for notice of an application for the appointment  
34 of a receiver upon good cause shown.

35 (4) The order appointing a receiver in all cases must reasonably  
36 describe the property over which the receiver is to take charge, by  
37 category, individual items, or both if the receiver is to take charge  
38 of less than all of the owner's property. If the order appointing a  
39 receiver does not expressly limit the receiver's authority to  
40 designated property or categories of property of the owner, the

1 receiver is a general receiver with the authority to take charge over  
2 all of the owner's property, wherever located.

3 (5) The court may condition the appointment of a receiver upon  
4 the giving of security by the person seeking the receiver's  
5 appointment, in such amount as the court may specify, for the payment  
6 of costs and damages incurred or suffered by any person should it  
7 later be determined that the appointment of the receiver was  
8 wrongfully obtained.

9 **Sec. 7.** RCW 7.60.150 and 2004 c 165 s 17 are each amended to  
10 read as follows:

11 The receiver, or any party in interest, upon order of the court  
12 following notice and a hearing, and upon the conditions or terms the  
13 court considers just and proper, may abandon any estate property that  
14 is burdensome to the receiver or is of inconsequential value or  
15 benefit. However, a receiver may not abandon property that is a  
16 hazard or potential hazard to the public in contravention of a state  
17 statute or rule that is reasonably designed to protect the public  
18 health or safety from identified hazards, including but not limited  
19 to chapters (~~(70.105 and 70.105D)~~) 70A.300 and 70A.305 RCW. Property  
20 that is abandoned no longer constitutes estate property.

21 **Sec. 8.** RCW 7.80.120 and 2018 c 176 s 5 are each amended to read  
22 as follows:

23 (1) A person found to have committed a civil infraction shall be  
24 assessed a monetary penalty.

25 (a) The maximum penalty and the default amount for a class 1  
26 civil infraction shall be two hundred fifty dollars, not including  
27 statutory assessments, except for an infraction of state law  
28 involving (i) potentially dangerous litter as specified in RCW  
29 (~~(70.93.060)~~) 70A.200.060(4) or violent video or computer games under  
30 RCW 9.91.180, in which case the maximum penalty and default amount is  
31 five hundred dollars; or (ii) a person's refusal to submit to a test  
32 or tests pursuant to RCW 79A.60.040 and 79A.60.700, in which case the  
33 maximum penalty and default amount is one thousand dollars; or (iii)  
34 the misrepresentation of service animals under RCW 49.60.214, in  
35 which case the maximum penalty and default amount is five hundred  
36 dollars;

1 (b) The maximum penalty and the default amount for a class 2  
2 civil infraction shall be one hundred twenty-five dollars, not  
3 including statutory assessments;

4 (c) The maximum penalty and the default amount for a class 3  
5 civil infraction shall be fifty dollars, not including statutory  
6 assessments; and

7 (d) The maximum penalty and the default amount for a class 4  
8 civil infraction shall be twenty-five dollars, not including  
9 statutory assessments.

10 (2) The supreme court shall prescribe by rule the conditions  
11 under which local courts may exercise discretion in assessing fines  
12 for civil infractions.

13 (3) Whenever a monetary penalty is imposed by a court under this  
14 chapter it is immediately payable. If the person is unable to pay at  
15 that time the court may grant an extension of the period in which the  
16 penalty may be paid. If the penalty is not paid on or before the time  
17 established for payment, the court may proceed to collect the penalty  
18 in the same manner as other civil judgments and may notify the  
19 prosecuting authority of the failure to pay.

20 (4) The court may also order a person found to have committed a  
21 civil infraction to make restitution.

22 **Sec. 9.** RCW 8.25.280 and 1990 c 133 s 9 are each amended to read  
23 as follows:

24 Consistent with standard appraisal practices, the valuation of a  
25 public water system as defined in RCW (~~(70.119A.020)~~) 70A.125.010  
26 shall reflect the cost of system improvements necessary to comply  
27 with health and safety rules of the state board of health and  
28 applicable regulations developed under chapter 43.20, 43.20A, or  
29 (~~(70.116)~~) 70A.100 RCW.

30 **Sec. 10.** RCW 15.58.180 and 2013 c 144 s 10 are each amended to  
31 read as follows:

32 (1) Except as provided in subsections (4) and (5) of this  
33 section, it is unlawful for any person to act in the capacity of a  
34 pesticide dealer or advertise as or assume to act as a pesticide  
35 dealer without first having obtained an annual license from the  
36 director. The license expires on the business license expiration  
37 date. A license is required for each location or outlet located  
38 within this state from which pesticides are distributed. A

1 manufacturer, registrant, or distributor who has no pesticide dealer  
2 outlet licensed within this state and who distributes pesticides  
3 directly into this state must obtain a pesticide dealer license for  
4 his or her principal out-of-state location or outlet, but such a  
5 licensed out-of-state pesticide dealer is exempt from the pesticide  
6 dealer manager requirements.

7 (2) Application for a license must be accompanied by a fee of  
8 sixty-seven dollars and must be made through the business licensing  
9 system and must include the full name of the person applying for the  
10 license and the name of the individual within the state designated as  
11 the pesticide dealer manager. If the applicant is a partnership,  
12 association, corporation, or organized group of persons, the full  
13 name of each member of the firm or partnership or the names of the  
14 officers of the association or corporation must be given on the  
15 application. The application must state the principal business  
16 address of the applicant in the state and elsewhere, the name of a  
17 person domiciled in this state authorized to receive and accept  
18 service of summons of legal notices of all kinds for the applicant,  
19 and any other necessary information prescribed by the director.

20 (3) It is unlawful for any licensed dealer outlet to operate  
21 without a pesticide dealer manager who has a license of  
22 qualification.

23 (4) This section does not apply to (a) a licensed pesticide  
24 applicator who sells pesticides only as an integral part of the  
25 applicator's pesticide application service when pesticides are  
26 dispensed only through apparatuses used for pesticide application, or  
27 (b) any federal, state, county, or municipal agency that provides  
28 pesticides only for its own programs.

29 (5) A user of a pesticide may distribute a properly labeled  
30 pesticide to another user who is legally entitled to use that  
31 pesticide without obtaining a pesticide dealer's license if the  
32 exclusive purpose of distributing the pesticide is keeping it from  
33 becoming a hazardous waste as defined in chapter (~~(70.105)~~) 70A.300  
34 RCW.

35 **Sec. 11.** RCW 15.66.017 and 2018 c 236 s 707 are each amended to  
36 read as follows:

37 This chapter and the rules adopted under it are only one aspect  
38 of the comprehensively regulated agricultural industry.

1 (1) Other laws applicable to agricultural commodities include the  
2 following chapters and the rules adopted thereunder:

- 3 Chapter 15.08 RCW Horticultural pests and diseases;
- 4 Chapter 15.13 RCW Horticultural plants, Christmas trees, and  
5 facilities—Inspection and licensing;
- 6 Chapter 15.14 RCW Planting stock;
- 7 Chapter 15.15 RCW Certified seed potatoes;
- 8 Chapter 15.17 RCW Standards of grades and packs;
- 9 Chapter 15.19 RCW Certification and inspection of ginseng;
- 10 Chapter 15.30 RCW Controlled atmosphere storage of fruits and  
11 vegetables;
- 12 Chapter 15.49 RCW Seeds;
- 13 Chapter 15.53 RCW Commercial feed;
- 14 Chapter 15.54 RCW Fertilizers, minerals, and limes;
- 15 Chapter 15.58 RCW Washington pesticide control act;
- 16 Chapter 15.60 RCW Apiaries;
- 17 Chapter 15.64 RCW Farm marketing;
- 18 Chapter 15.83 RCW Agricultural marketing and fair practices;
- 19 Chapter 15.85 RCW Aquaculture marketing;
- 20 Chapter 15.86 RCW Organic products;
- 21 Chapter 15.92 RCW Center for sustaining agriculture and natural  
22 resources;
- 23 Chapter 15.130 RCW Food safety and security act;
- 24 Chapter 17.24 RCW Insect pests and plant diseases;
- 25 Chapter 19.94 RCW Weights and measures;
- 26 Chapter 20.01 RCW Agricultural products—Commission merchants,  
27 dealers, brokers, buyers, agents;
- 28 Chapter 22.09 RCW Agricultural commodities;
- 29 Chapter 69.07 RCW Washington food processing act;
- 30 Chapter 69.25 RCW Washington wholesome eggs and egg products act;
- 31 Chapter 69.28 RCW Honey;
- 32 7 U.S.C., section 136, Federal insecticide, fungicide, and  
33 rodenticide act.

34 (2) In addition to the laws and regulations listed in subsection  
35 (1) of this section that apply to the agricultural industry as a  
36 whole, the potato industry is regulated by or must comply with the  
37 following additional laws and the rules or regulations adopted  
38 thereunder:

- 39 (a) 7 C.F.R., Part 51, United States standards for grades of  
40 potatoes;

1 (b) 7 C.F.R., Part 946, Federal marketing order for Irish  
2 potatoes grown in Washington;

3 (c) 7 C.F.R., Part 1207, Potato research and promotion plan.

4 (3) In addition to the laws and regulations listed in subsection  
5 (1) of this section that apply to the agricultural industry as a  
6 whole, the wheat and barley industries are regulated by or must  
7 comply with the following additional laws and the rules adopted  
8 thereunder:

9 (a) 7 U.S.C., section 1621, Agricultural marketing act;

10 (b) Chapter ((~~70.94~~)) 70A.15 RCW, Washington clean air act,  
11 agricultural burning.

12 (4) In addition to the laws and regulations listed in subsection  
13 (1) of this section that apply to the agricultural industry as a  
14 whole, the poultry industry is regulated by or must comply with the  
15 following additional laws and the rules adopted thereunder:

16 (a) 21 U.S.C., chapter 10, Poultry and poultry products  
17 inspection;

18 (b) 21 U.S.C., chapter 9, Packers and stockyards;

19 (c) 7 U.S.C., section 1621, Agricultural marketing act;

20 (d) Washington fryer commission labeling standards.

21 **Sec. 12.** RCW 15.86.020 and 2010 c 109 s 2 are each reenacted and  
22 amended to read as follows:

23 The definitions in this section apply throughout this chapter  
24 unless the context clearly requires otherwise.

25 (1) "Certification" or "certified" means a determination  
26 documented by a certificate of organic operation made by a certifying  
27 agent that a production or handling operation is in compliance with  
28 the national organic program or with international standards.

29 (2) "Compost" means the product of a managed process through  
30 which microorganisms break down plant and animal materials into more  
31 available forms suitable for application to the soil.

32 (3) "Crop production aid" means any substance, material,  
33 structure, or device that is used to aid a producer of an  
34 agricultural product except for fertilizers and pesticides.

35 (4) "Department" means the state department of agriculture.

36 (5) "Director" means the director of the department of  
37 agriculture or the director's designee.

38 (6) "Fertilizer" means a single or blended substance containing  
39 one or more recognized plant nutrients which is used primarily for

1 its plant nutrient content and which is designed for use or claimed  
2 to have value in promoting plant growth.

3 (7) "Handler" means any person who sells, distributes, or packs  
4 organic or transitional products.

5 (8) "Label" means a display of written, printed, or graphic  
6 material on the immediate container of an agricultural product or any  
7 such material affixed to any agricultural product or affixed to a  
8 bulk container containing an agricultural product, except for package  
9 liners or a display of written, printed, or graphic material which  
10 contains only information about the weight of the product.

11 (9) "Labeling" includes all written, printed, or graphic material  
12 accompanying an agricultural product at any time or written, printed,  
13 or graphic material about the agricultural product displayed at  
14 retail stores about the product.

15 (10) "Livestock production aid" means any substance, material,  
16 structure, or device that is used to aid a producer in the production  
17 of livestock such as parasiticides, medicines, and feed additives.

18 (11) "Manufacturer" means a person that compounds, produces,  
19 granulates, mixes, blends, repackages, or otherwise alters the  
20 composition of materials.

21 (12) "Material" means any substance or mixture of substances that  
22 is intended to be used in agricultural production, processing, or  
23 handling.

24 (13) "National organic program" means the program administered by  
25 the United States department of agriculture pursuant to 7 C.F.R. Part  
26 205, which implements the federal organic food production act of 1990  
27 (7 U.S.C. Sec. 6501 et seq.).

28 (14) "Organic certifying agent" means any third-party  
29 certification organization that is recognized by the director as  
30 being one which imposes, for certification, standards consistent with  
31 this chapter.

32 (15) "Organic product" means any agricultural product, in whole  
33 or in part, including meat, dairy, and beverage, that is marketed  
34 using the term organic or any derivative of organic and that is  
35 produced, handled, and processed in accordance with this chapter.

36 (16) "Organic waste-derived material" means grass clippings,  
37 leaves, weeds, bark, plantings, prunings, and other vegetative  
38 wastes, uncontaminated wood waste from logging and milling  
39 operations, food wastes, food processing wastes, and materials  
40 derived from these wastes through composting. "Organic waste-derived

1 material" does not include products that contain biosolids as defined  
2 in chapter (~~70.95J~~) 70A.226 RCW.

3 (17) "Person" means any natural person, firm, partnership,  
4 exchange, association, trustee, receiver, corporation, and any  
5 member, officer, or employee thereof or assignee for the benefit of  
6 creditors.

7 (18) "Pesticide" means, but is not limited to:

8 (a) Any substance or mixture of substances intended to prevent,  
9 destroy, control, repel, or mitigate any insect, rodent, nematode,  
10 mollusk, fungus, weed, and any other form of plant or animal life or  
11 virus, except a virus on or in a living human being or other animal,  
12 which is normally considered to be a pest or which the director may  
13 declare to be a pest;

14 (b) Any substance or mixture of substances intended to be used as  
15 a plant regulator, defoliant, or desiccant;

16 (c) Any substance or mixture of substances intended to be used as  
17 a spray adjuvant; and

18 (d) Any other substances intended for such use as may be named by  
19 the director by rule.

20 (19) "Postharvest material" means any substance, material,  
21 structure, or device that is used in the postharvest handling of  
22 agricultural products.

23 (20) "Processing aid" means a substance that is added to a food:

24 (a) During processing, but is removed in some manner from the  
25 food before it is packaged in its finished form;

26 (b) During processing, is converted into constituents normally  
27 present in the food, and does not significantly increase the amount  
28 of the constituents naturally found in the food; and

29 (c) For its technical or functional effect in the processing but  
30 is present in the finished food at insignificant levels and does not  
31 have any technical or functional effect in that food.

32 (21) "Processor" means any person engaged in the canning,  
33 freezing, drying, dehydrating, cooking, pressing, powdering,  
34 packaging, baking, heating, mixing, grinding, churning, separating,  
35 extracting, cutting, fermenting, eviscerating, preserving, jarring,  
36 or otherwise processing of an organic or transitional product.

37 (22) "Producer" means any person or organization who or which  
38 grows, raises, or produces an agricultural product.

39 (23) "Registrant" means the person registering a material on the  
40 brand name materials list under the provisions of this chapter.



1 (24) "Represent" means to hold out as or to advertise.

2 (25) "Sale" means selling, offering for sale, holding for sale,  
3 preparing for sale, trading, bartering, offering a gift as an  
4 inducement for sale of, and advertising for sale in any media.

5 (26) "Soil amendment" means any substance that is intended to  
6 improve the physical characteristics of the soil, except for  
7 fertilizers and pesticides.

8 (27) "Spray adjuvant" means any product intended to be used with  
9 a pesticide as an aid to the application or to the effect of the  
10 pesticide and that is in a package or container separate from the  
11 pesticide. "Spray adjuvant" includes, but is not limited to, wetting  
12 agents, spreading agents, deposit builders, adhesives, emulsifying  
13 agents, deflocculating agents, and water modifiers or similar agent  
14 with or without toxic properties of its own intended to be used with  
15 any other pesticide as an aid to its application or to its effect.  
16 "Spray adjuvant" does not include products that are only intended to  
17 mark the location where a pesticide is applied.

18 (28) "Transitional product" means any agricultural product that  
19 meets requirements for organic certification, except that the organic  
20 production areas have not been free of prohibited substances for  
21 thirty-six months. Use of prohibited substances must have ceased for  
22 at least twelve months prior to the harvest of a transitional  
23 product.

24 **Sec. 13.** RCW 15.115.020 and 2011 c 103 s 33 are each amended to  
25 read as follows:

26 The wheat and barley industries are highly regulated industries,  
27 and this chapter and the rules adopted under it are only one aspect  
28 of the regulation of those industries. Other regulations and  
29 restraints applicable to the wheat and barley industries include:

- 30 (1) Chapter 15.04 RCW, Washington agriculture general provisions;
- 31 (2) Chapter 15.08 RCW, horticultural pests and diseases;
- 32 (3) Chapter 15.14 RCW, planting stock;
- 33 (4) Chapter 15.49 RCW, seeds;
- 34 (5) Chapter 15.54 RCW, fertilizers, minerals, and limes;
- 35 (6) Chapter 15.58 RCW, Washington pesticide control act;
- 36 (7) Chapter 15.64 RCW, farm marketing;
- 37 (8) Chapter 15.83 RCW, agricultural marketing and fair practices;
- 38 (9) Chapter 15.86 RCW, organic products;

- 1 (10) Chapter 15.92 RCW, center for sustaining agriculture and  
2 natural resources;
- 3 (11) Chapter 17.24 RCW, insect pests and plant diseases;
- 4 (12) Chapter 19.94 RCW, weights and measures;
- 5 (13) Chapter 20.01 RCW, agricultural products—commission  
6 merchants, dealers, brokers, buyers, agents;
- 7 (14) Chapter 22.09 RCW, agricultural commodities;
- 8 (15) Chapter 43.23 RCW, department of agriculture;
- 9 (16) Chapter 69.04 RCW, food, drugs, cosmetics, and poisons  
10 including provisions of Title 21 U.S.C. relating to the general  
11 manufacturing practices, food labeling, food standards, food  
12 additives, and pesticide tolerances;
- 13 (17) Chapter (~~70.94~~) 70A.15 RCW, Washington clean air act,  
14 agricultural burning;
- 15 (18) 7 U.S.C., Sec. 136, federal insecticide, fungicide, and  
16 rodenticide act; and
- 17 (19) 7 U.S.C., Sec. 1621, agricultural marketing act.

18 **Sec. 14.** RCW 18.104.020 and 2011 c 196 s 1 are each reenacted  
19 and amended to read as follows:

20 The definitions in this section apply throughout this chapter  
21 unless the context clearly requires otherwise.

22 (1) "Abandoned well" means a well that is unmaintained or is in  
23 such disrepair that it is unusable or is a risk to public health and  
24 welfare.

25 (2) "Constructing a well" or "construct a well" means:

26 (a) Boring, digging, drilling, or excavating a well;

27 (b) Installing casing, sheeting, lining, or well screens, in a  
28 well;

29 (c) Drilling a geotechnical soil boring; or

30 (d) Installing an environmental investigation well.

31 "Constructing a well" or "construct a well" includes the  
32 alteration of an existing well.

33 (3) "Decommission" means to fill or plug a well so that it will  
34 not produce water, serve as a channel for movement of water or  
35 pollution, or allow the entry of pollutants into the well or  
36 aquifers.

37 (4) "Department" means the department of ecology.

38 (5) "Dewatering well" means a cased or lined excavation or boring  
39 that is intended to withdraw or divert groundwater for the purpose of

1 facilitating construction, stabilizing a landslide, or protecting an  
2 aquifer.

3 (6) "Director" means the director of the department of ecology.

4 (7) "Environmental investigation well" means a cased hole  
5 intended or used to extract a sample or samples of groundwater,  
6 vapor, or soil from an underground formation and which is  
7 decommissioned immediately after the sample or samples are obtained.  
8 An environmental investigation well is typically installed using  
9 direct push technology or auger boring and uses the probe, stem,  
10 auger, or rod as casing. An environmental investigation well is not a  
11 geotechnical soil boring.

12 (8) "Geotechnical soil boring" or "boring" means a well drilled  
13 for the purpose of obtaining soil samples or information to ascertain  
14 structural properties of the subsurface.

15 (9) "Ground source heat pump boring" means a vertical boring  
16 constructed for the purpose of installing a closed loop heat exchange  
17 system for a ground source heat pump.

18 (10) "Grounding well" means a grounding electrode installed in  
19 the earth by the use of drilling equipment to prevent buildup of  
20 voltages that may result in undue hazards to persons or equipment.  
21 Examples are anode and cathode protection wells.

22 (11) "Groundwater" means and includes groundwaters as defined in  
23 RCW 90.44.035.

24 (12) "Instrumentation well" means a well in which pneumatic or  
25 electric geotechnical or hydrological instrumentation is permanently  
26 or periodically installed to measure or monitor subsurface strength  
27 and movement. Instrumentation well includes borehole extensometers,  
28 slope indicators, pneumatic or electric pore pressure transducers,  
29 and load cells.

30 (13) "Monitoring well" means a well designed to obtain a  
31 representative groundwater sample or designed to measure the water  
32 level elevation in either clean or contaminated water or soil.

33 (14) "Observation well" means a well designed to measure the  
34 depth to the water level elevation in either clean or contaminated  
35 water or soil.

36 (15) "Operator" means a person who (a) is employed by a well  
37 contractor; (b) is licensed under this chapter; or (c) who controls,  
38 supervises, or oversees the construction of a well or who operates  
39 well construction equipment.

1 (16) "Owner" or "well owner" means the person, firm, partnership,  
2 copartnership, corporation, association, other entity, or any  
3 combination of these, who owns the property on which the well is or  
4 will be constructed or has the right to the well by means of an  
5 easement, covenant, or other enforceable legal instrument for the  
6 purpose of benefiting from the well.

7 (17) "Pollution" and "contamination" have the meanings provided  
8 in RCW 90.48.020.

9 (18) "Remediation well" means a well intended or used to withdraw  
10 groundwater or inject water, air (for air sparging), or other  
11 solutions into the subsurface for the purpose of remediating,  
12 cleaning up, or controlling potential or actual groundwater  
13 contamination.

14 (19) "Resource protection well" means a cased boring intended or  
15 used to collect subsurface information or to determine the existence  
16 or migration of pollutants within an underground formation. Resource  
17 protection wells include monitoring wells, observation wells,  
18 piezometers, spill response wells, remediation wells, environmental  
19 investigation wells, vapor extraction wells, ground source heat pump  
20 boring, grounding wells, and instrumentation wells.

21 (20) "Resource protection well contractor" means any person,  
22 firm, partnership, copartnership, corporation, association, or other  
23 entity, licensed and bonded under chapter 18.27 RCW, engaged in the  
24 business of constructing resource protection wells or geotechnical  
25 soil borings.

26 (21) "Water well" means any excavation that is constructed when  
27 the intended use of the well is for the location, diversion,  
28 artificial recharge, observation, monitoring, dewatering, or  
29 withdrawal of groundwater. "Water wells" include ground source heat  
30 pump borings and grounding wells.

31 (22) "Water well contractor" means any person, firm, partnership,  
32 copartnership, corporation, association, or other entity, licensed  
33 and bonded under chapter 18.27 RCW, engaged in the business of  
34 constructing water wells.

35 (23)(a) "Well" means water wells, resource protection wells,  
36 dewatering wells, and geotechnical soil borings.

37 (b) Well does not mean an excavation made for the purpose of:

38 (i) Obtaining or prospecting for oil, natural gas, geothermal  
39 resources, minerals, or products of mining, or quarrying, or for

1 inserting media to repressure oil or natural gas bearing formations,  
2 or for storing petroleum, natural gas, or other products;

3 (ii) Siting and constructing an on-site sewage disposal system as  
4 defined in RCW (~~(70.118.020)~~) 70A.105.020 or a large on-site sewage  
5 system as defined in RCW (~~(70.118B.010)~~) 70A.115.010; or

6 (iii) Inserting any device or instrument less than ten feet in  
7 depth into the soil for the sole purpose of performing soil or water  
8 testing or analysis or establishing soil moisture content as long as  
9 there is no withdrawal of water in any quantity other than as  
10 necessary to perform the intended testing or analysis.

11 (24) "Well contractor" means a resource protection well  
12 contractor and a water well contractor licensed and bonded under  
13 chapter 18.27 RCW.

14 **Sec. 15.** RCW 18.106.010 and 2020 c 153 s 1 are each amended to  
15 read as follows:

16 The definitions in this section apply throughout this chapter  
17 unless the context clearly requires otherwise.

18 (1) "Advisory board" means the state advisory board of plumbers.

19 (2) "Department" means the department of labor and industries.

20 (3) "Director" means the director of department of labor and  
21 industries.

22 (4) "Journey level plumber" means any person who has been issued  
23 a certificate of competency by the department of labor and industries  
24 as provided in this chapter.

25 (5) "Like-in-kind" means having similar characteristics such as  
26 plumbing size, type, and function, and being in the same location.

27 (6) "Medical gas piping" means oxygen, nitrous oxide, high  
28 pressure nitrogen, medical compressed air, and other medical gas or  
29 equipment, including but not limited to medical vacuum systems.

30 (7) "Medical gas piping installer" means a journey level plumber  
31 who has been issued a medical gas piping installer endorsement.

32 (8) "Plumbing" means that craft involved in installing, altering,  
33 repairing and renovating potable water systems, liquid waste systems,  
34 and medical gas piping systems within a building as defined by the  
35 plumbing code as adopted and amended by the state building code  
36 council, and includes all piping, fixtures, pumps, and plumbing  
37 appurtenances that are used for rainwater catchment and reclaimed  
38 water systems within a building.

1 (9) "Plumbing contractor" means any person, corporate or  
2 otherwise, who engages in, or offers or advertises to engage in, any  
3 plumbing work covered by the provisions of this chapter by way of  
4 trade or business, or any person, corporate or otherwise, who employs  
5 anyone, or offers or advertises to employ anyone, to engage in any  
6 plumbing work as defined in this section. The plumbing contractor is  
7 responsible for ensuring the plumbing business is operated in  
8 accordance with rules adopted under this chapter.

9 (10) "Plumber trainee" or "trainee" means any person who has been  
10 issued a plumbing training certificate under this chapter but has not  
11 been issued an appropriate certificate of competency for work being  
12 performed. A trainee may perform plumbing work if that person is  
13 under the appropriate level of supervision.

14 (11) "Residential service plumber" means anyone who has been  
15 issued a certificate of competency limited to performing residential  
16 service plumbing in an existing residential structure.

17 (a) In single-family dwellings and duplexes only, a residential  
18 service plumber may service, repair, or replace previously existing  
19 fixtures, piping, and fittings that are outside the interior wall or  
20 above the floor, often, but not necessarily in a like-in-kind manner.  
21 In any residential structure, a residential service plumber may  
22 perform plumbing work as needed to perform drain cleaning and may  
23 perform leak repairs on any pipe, fitting, or fixture from the leak  
24 to the next serviceable connection.

25 (b) A residential service plumber may directly supervise plumber  
26 trainees provided the trainees have been supervised by an appropriate  
27 journey level or specialty plumber for the trainees' first two  
28 thousand hours of training.

29 (c) A residential service plumber may not perform plumbing for  
30 new construction of any kind.

31 (12) "Residential structures" means single-family dwellings,  
32 duplexes, and multiunit buildings that do not exceed three stories.

33 (13) "Service plumbing" means plumbing work in which previously  
34 existing fixtures, fittings, and piping is repaired or replaced  
35 often, but not necessarily, in a like-in-kind manner, or plumbing  
36 work being performed as necessary for drain cleaning.

37 (14) "Specialty plumber" means anyone who has been issued a  
38 specialty certificate of competency limited to:

1 (a) Installation, maintenance, and repair of the plumbing of  
2 single-family dwellings, duplexes, and apartment buildings that do  
3 not exceed three stories;

4 (b) Maintenance and repair of backflow prevention assemblies; or

5 (c) A domestic water pumping system consisting of the  
6 installation, maintenance, and repair of the pressurization,  
7 treatment, and filtration components of a domestic water system  
8 consisting of: One or more pumps; pressure, storage, and other tanks;  
9 filtration and treatment equipment; if appropriate, a pitless  
10 adapter; along with valves, transducers, and other plumbing  
11 components that:

12 (i) Are used to acquire, treat, store, or move water suitable for  
13 either drinking or other domestic purposes, including irrigation, to:

14 (A) A single-family dwelling, duplex, or other similar place of  
15 residence; (B) a public water system, as defined in RCW  
16 ((~~70.119.020~~)) 70A.120.020 and as limited under RCW ((~~70.119.040~~))  
17 70A.120.040; or (C) a farm owned and operated by a person whose  
18 primary residence is located within thirty miles of any part of the  
19 farm;

20 (ii) Are located within the interior space, including but not  
21 limited to an attic, basement, crawl space, or garage, of a  
22 residential structure, which space is separated from the living area  
23 of the residence by a lockable entrance and fixed walls, ceiling, or  
24 floor;

25 (iii) If located within the interior space of a residential  
26 structure, are connected to a plumbing distribution system supplied  
27 and installed into the interior space by either: (A) A person who,  
28 pursuant to RCW 18.106.070 or 18.106.090, possesses a valid temporary  
29 permit or certificate of competency as a journey level plumber,  
30 specialty plumber, or trainee, as defined in this chapter; or (B) a  
31 person exempt from the requirement to obtain a certified plumber to  
32 do such plumbing work under RCW 18.106.150.

33 (15) "Unsatisfied final judgment" means a judgment or final tax  
34 warrant that has not been satisfied either through payment, court-  
35 approved settlement, discharge in bankruptcy, or assignment under RCW  
36 19.72.070.

37 **Sec. 16.** RCW 18.210.130 and 1999 c 263 s 14 are each amended to  
38 read as follows:

1 (1) The director shall issue a license to any applicant who meets  
2 the requirements of this chapter. The issuance of a license by the  
3 director is evidence that the person named is entitled to the rights  
4 and privileges of a licensed on-site wastewater treatment system  
5 designer as long as the license remains valid.

6 (2) Each person licensed under this chapter shall obtain an  
7 inking stamp, of a design authorized by the board, that contains the  
8 licensee's name and license number. Plans, specifications, and  
9 reports prepared by the registrant must be signed, dated, and  
10 stamped. Signature and stamping constitute certification by the  
11 licensee that a plan, specification, or report was prepared by or  
12 under the direct supervision of a licensee.

13 (3) Those persons who obtain a certificate of competency as  
14 provided in chapter ~~((70.118))~~ 70A.105 RCW do not have the privileges  
15 granted to a license holder under this chapter and do not have  
16 authority to obtain and use a stamp as described in this section.

17 **Sec. 17.** RCW 19.27.080 and 2003 c 291 s 3 are each amended to  
18 read as follows:

19 Nothing in this chapter affects the provisions of chapters  
20 19.27A, 19.28, 43.22, 70.77, 70.79, 70.87, ~~((48.48))~~ 43.44, 18.20,  
21 18.46, 18.51, 28A.305, 70.41, 70.62, 70.75, 70.108, 71.12, 74.15,  
22 ~~((70.94))~~ 70A.15, 76.04, ~~((90.76))~~ 70A.355 RCW, or RCW 28A.195.010,  
23 or grants rights to duplicate the authorities provided under chapters  
24 ~~((70.94))~~ 70A.15 or 76.04 RCW.

25 **Sec. 18.** RCW 19.27.580 and 2019 c 284 s 7 are each amended to  
26 read as follows:

27 The building code council shall adopt rules that permit the use  
28 of substitutes approved under RCW ~~((70.235.080))~~ 70A.45.080 and that  
29 do not require the use of substitutes that are restricted under RCW  
30 ~~((70.235.080))~~ 70A.45.080.

31 **Sec. 19.** RCW 19.27A.210 and 2019 c 285 s 3 are each amended to  
32 read as follows:

33 (1)(a) By November 1, 2020, the department must establish by rule  
34 a state energy performance standard for covered commercial buildings.

35 (b) In developing energy performance standards, the department  
36 shall seek to maximize reductions of greenhouse gas emissions from  
37 the building sector. The standard must include energy use intensity



1 targets by building type and methods of conditional compliance that  
2 include an energy management plan, operations and maintenance  
3 program, energy efficiency audits, and investment in energy  
4 efficiency measures designed to meet the targets. The department  
5 shall use ANSI/ASHRAE/IES standard 100-2018 as an initial model for  
6 standard development. The department must update the standard by July  
7 1, 2029, and every five years thereafter. Prior to the adoption or  
8 update of the standard, the department must identify the sources of  
9 information it relied upon, including peer-reviewed science.

10 (2) In establishing the standard under subsection (1) of this  
11 section, the department:

12 (a) Must develop energy use intensity targets that are no greater  
13 than the average energy use intensity for the covered commercial  
14 building occupancy type with adjustments for unique energy using  
15 features. The department must also develop energy use intensity  
16 targets for additional property types eligible for incentives in RCW  
17 19.27A.220. The department must consider regional and local building  
18 energy utilization data, such as existing energy star benchmarking  
19 data, in establishing targets for the standard. Energy use intensity  
20 targets must be developed for two or more climate zones and be  
21 representative of energy use in a normal weather year;

22 (b) May consider building occupancy classifications from ANSI/  
23 ASHRAE/IES standard 100-2018 and the United States environmental  
24 protection agency's energy star portfolio manager when developing  
25 energy use intensity targets;

26 (c) May implement lower energy use intensity targets for more  
27 recently built covered commercial buildings based on the state energy  
28 code in place when the buildings were constructed;

29 (d) (i) Must adopt a conditional compliance method that ensures  
30 that covered commercial buildings that do not meet the specified  
31 energy use intensity targets are taking action to achieve reduction  
32 in energy use, including investment criteria for conditional  
33 compliance that ensure that energy efficiency measures identified by  
34 energy audits are implemented to achieve a covered commercial  
35 building's energy use intensity target. The investment criteria must  
36 require that a building owner adopt an implementation plan to meet  
37 the energy intensity target or implement an optimized bundle of  
38 energy efficiency measures that provides maximum energy savings  
39 without resulting in a savings-to-investment ratio of less than 1.0,  
40 except as exempted in (d) (ii) of this subsection. The implementation

1 plan must be based on an investment grade energy audit and a life-  
2 cycle cost analysis that accounts for the period during which a  
3 bundle of measures will provide savings. The building owner's cost  
4 for implementing energy efficiency measures must reflect net cost,  
5 excluding any costs covered by utility or government grants. The  
6 implementation plan may exclude measures that do not pay for  
7 themselves over the useful life of the measure and measures excluded  
8 under (d)(ii) of this subsection. The implementation plan may include  
9 phased implementation such that the building owner is not required to  
10 replace a system or equipment before the end of the system or  
11 equipment's useful life;

12 (ii) For those buildings or structures that are listed in the  
13 state or national register of historic places; designated as a  
14 historic property under local or state designation law or survey;  
15 certified as a contributing resource with a national register listed  
16 or locally designated historic district; or with an opinion or  
17 certification that the property is eligible to be listed on the  
18 national or state registers of historic places either individually or  
19 as a contributing building to a historic district by the state  
20 historic preservation officer or the keeper of the national register  
21 of historic places, no individual energy efficiency requirement need  
22 be met that would compromise the historical integrity of a building  
23 or part of a building.

24 (3) Based on records obtained from each county assessor and other  
25 available information sources, the department must create a database  
26 of covered commercial buildings and building owners required to  
27 comply with the standard established in accordance with this section.

28 (4) By July 1, 2021, the department must provide the owners of  
29 covered buildings with notification of compliance requirements.

30 (5) The department must develop a method for administering  
31 compliance reports from building owners.

32 (6) The department must provide a customer support program to  
33 building owners including, but not limited to, outreach and  
34 informational material, periodic training, phone and email support,  
35 and other technical assistance.

36 (7) The building owner of a covered commercial building must  
37 report the building owner's compliance with the standard to the  
38 department in accordance with the schedule established under  
39 subsection (8) of this section and every five years thereafter. For

1 each reporting date, the building owner must submit documentation to  
2 demonstrate that:

3 (a) The weather normalized energy use intensity of the covered  
4 commercial building measured in the previous calendar year is less  
5 than or equal to the energy use intensity target; or

6 (b) The covered commercial building has received conditional  
7 compliance from the department based on energy efficiency actions  
8 prescribed by the standard; or

9 (c) The covered commercial building is exempt from the standard  
10 by demonstrating that the building meets one of the following  
11 criteria:

12 (i) The building did not have a certificate of occupancy or  
13 temporary certificate of occupancy for all twelve months of the  
14 calendar year prior to the building owner compliance schedule  
15 established under subsection (8) of this section;

16 (ii) The building did not have an average physical occupancy of  
17 at least fifty percent throughout the calendar year prior to the  
18 building owner compliance schedule established under subsection (8)  
19 of this section;

20 (iii) The sum of the buildings gross floor area minus  
21 unconditioned and semiconditioned spaces, as defined in the  
22 Washington state energy code, is less than fifty thousand square  
23 feet;

24 (iv) The primary use of the building is manufacturing or other  
25 industrial purposes, as defined under the following use designations  
26 of the international building code: (A) Factory group F; or (B) high  
27 hazard group H;

28 (v) The building is an agricultural structure; or

29 (vi) The building meets at least one of the following conditions  
30 of financial hardship: (A) The building had arrears of property taxes  
31 or water or wastewater charges that resulted in the building's  
32 inclusion, within the prior two years, on a city's or county's annual  
33 tax lien sale list; (B) the building has a court appointed receiver  
34 in control of the asset due to financial distress; (C) the building  
35 is owned by a financial institution through default by a borrower;  
36 (D) the building has been acquired by a deed in lieu of foreclosure  
37 within the previous twenty-four months; (E) the building has a senior  
38 mortgage subject to a notice of default; or (F) other conditions of  
39 financial hardship identified by the department by rule.

1 (8) A building owner of a covered commercial building must meet  
2 the following reporting schedule for complying with the standard  
3 established under this section:

4 (a) For a building with more than two hundred twenty thousand  
5 gross square feet, June 1, 2026;

6 (b) For a building with more than ninety thousand gross square  
7 feet but less than two hundred twenty thousand and one gross square  
8 feet, June 1, 2027; and

9 (c) For a building with more than fifty thousand gross square  
10 feet but less than ninety thousand and one square feet, June 1, 2028.

11 (9)(a) The department may issue a notice of violation to a  
12 building owner for noncompliance with the requirements of this  
13 section. A determination of noncompliance may be made for any of the  
14 following reasons:

15 (i) Failure to submit a compliance report in the form and manner  
16 prescribed by the department;

17 (ii) Failure to meet an energy use intensity target or failure to  
18 receive conditional compliance approval;

19 (iii) Failure to provide accurate reporting consistent with the  
20 requirements of the standard established under this section; and

21 (iv) Failure to provide a valid exemption certificate.

22 (b) In order to create consistency with the implementation of the  
23 standard and rules adopted under this section, the department must  
24 reply and cite the section of law, code, or standard in a notice of  
25 violation for noncompliance with the requirements of this section  
26 when requested to do so by the building owner or the building owner's  
27 agent.

28 (10) The department is authorized to impose an administrative  
29 penalty upon a building owner for failing to submit documentation  
30 demonstrating compliance with the requirements of this section. The  
31 penalty may not exceed an amount equal to five thousand dollars plus  
32 an amount based on the duration of any continuing violation. The  
33 additional amount for a continuing violation may not exceed a daily  
34 amount equal to one dollar per year per gross square foot of floor  
35 area. The department may by rule increase the maximum penalty rates  
36 to adjust for the effects of inflation.

37 (11) Administrative penalties collected under this section must  
38 be deposited into the low-income weatherization and structural  
39 rehabilitation assistance account created in RCW (~~(70.164.030)~~)  
40 70A.35.030.

1 (12) The department must adopt rules as necessary to implement  
2 this section, including but not limited to:

3 (a) Rules necessary to ensure timely, accurate, and complete  
4 reporting of building energy performance for all covered commercial  
5 buildings;

6 (b) Rules necessary to enforce the standard established under  
7 this section; and

8 (c) Rules that provide a mechanism for appeal of any  
9 administrative penalty imposed by the department under this section.

10 (13) Upon request by the department, each county assessor must  
11 provide property data from existing records to the department as  
12 necessary to implement this section.

13 (14) By January 15, 2022, and each year thereafter through 2029,  
14 the department must submit a report to the governor and the  
15 appropriate committees of the legislature on the implementation of  
16 the state energy performance standard established under this section.  
17 The report must include information regarding the adoption of the  
18 ANSI/ASHRAE/IES standard 100-2018 as an initial model, the financial  
19 impact to building owners required to comply with the standard, the  
20 amount of incentives provided under RCW 19.27A.220 and 19.27A.230,  
21 and any other significant information associated with the  
22 implementation of this section.

23 **Sec. 20.** RCW 19.405.090 and 2019 c 288 s 9 are each amended to  
24 read as follows:

25 (1)(a) An electric utility or an affected market customer that  
26 fails to meet the standards established under RCW 19.405.030(1) and  
27 19.405.040(1) must pay an administrative penalty to the state of  
28 Washington in the amount of one hundred dollars, times the following  
29 multipliers, for each megawatt-hour of electric generation used to  
30 meet load that is not electricity from a renewable resource or  
31 nonemitting electric generation:

32 (i) 1.5 for coal-fired resources;

33 (ii) 0.84 for gas-fired peaking power plants; and

34 (iii) 0.60 for gas-fired combined-cycle power plants.

35 (b) Beginning in 2027, this penalty must be adjusted on a  
36 biennial basis according to the rate of change of the inflation  
37 indicator, gross domestic product implicit price deflator, as  
38 published by the bureau of economic analysis of the United States  
39 department of commerce or its successor. Beginning in 2040, the

1 commission may by rule increase this penalty for investor-owned  
2 utilities if the commission determines that doing so will accelerate  
3 utilities' compliance with the standards established under this  
4 chapter and that doing so is in the public interest.

5 (2) Consistent with the requirements of RCW 19.405.040(1)(b), a  
6 utility may opt to make a payment in the amount of the administrative  
7 penalty as an alternative compliance payment, without incurring a  
8 penalty for noncompliance.

9 (3)(a) Upon its own motion or at the request of an investor-owned  
10 utility, and after a hearing, the commission may issue an order  
11 relieving the utility of its administrative penalty obligation under  
12 subsection (1) of this section if it finds that:

13 (i) After taking all reasonable measures, the investor-owned  
14 utility's compliance with this chapter is likely to result in  
15 conflicts with or compromises to its obligation to comply with the  
16 mandatory and enforceable reliability standards of the North American  
17 electric reliability corporation, violate prudent utility practice  
18 for assuring resource adequacy, or compromise the power quality or  
19 integrity of its system; or

20 (ii) The investor-owned utility is unable to comply with the  
21 standards established in RCW 19.405.030(1) or 19.405.040(1) due to  
22 reasons beyond the reasonable control of the investor-owned utility,  
23 as set forth in subsection (6) of this section.

24 (b) If the commission issues an order pursuant to (a) of this  
25 subsection that relieves an investor-owned utility of its  
26 administrative penalty obligation under subsection (1) of this  
27 section, the commission may issue an order:

28 (i) Temporarily exempting the investor-owned utility from the  
29 requirements of RCW 19.405.040(1) for an amount of time sufficient to  
30 allow the investor-owned utility to achieve full compliance with the  
31 standard;

32 (ii) Directing the investor-owned utility to file a progress  
33 report to the commission on achieving full compliance with the  
34 standard within six months after issuing the order, or within an  
35 amount of time determined to be reasonable by the commission; and

36 (iii) Directing the investor-owned utility to take specific  
37 actions to achieve full compliance with the requirements of this  
38 chapter.

39 (c) An investor-owned utility may request an extension of a  
40 temporary exemption granted under this section. An investor-owned

1 utility that requests an extension must request an update to the  
2 order issued by the commission under (b) of this subsection.

3 (4) Subsection (3) of this section does not permanently relieve  
4 an investor-owned utility of its obligation to comply with the  
5 requirements of this chapter.

6 (5)(a) The governing body of a consumer-owned utility may  
7 authorize a temporary exemption from the standard established under  
8 RCW 19.405.040(1), for an amount of time sufficient to allow the  
9 consumer-owned utility to achieve full compliance with the standard,  
10 if the governing body finds that:

11 (i) The consumer-owned utility's compliance with the standard is  
12 likely to: Result in conflicts with or compromises to its obligation  
13 to comply with the mandatory and enforceable reliability standards of  
14 the North American electric reliability corporation; violate prudent  
15 utility practice for assuring resource adequacy; or compromise the  
16 power quality or integrity of its system; or

17 (ii) The consumer-owned utility is unable to comply with the  
18 standard due to reasons beyond the reasonable control of the utility,  
19 as set forth in subsection (6) of this section; and

20 (iii) The consumer-owned utility has provided to the department a  
21 plan demonstrating how it plans to achieve full compliance with the  
22 standard, consistent with the findings of the report submitted to the  
23 legislature under RCW 19.405.080.

24 (b) Upon request by the governing body of a consumer-owned  
25 utility, a consumer-owned utility must be relieved of its  
26 administrative penalty obligation under subsection (1) of this  
27 section if the auditor issues a finding that:

28 (i) The governing body of the consumer-owned utility has properly  
29 issued a temporary exemption under (a) of this subsection for a  
30 period of time not to exceed six months; and

31 (ii) The governing body of the consumer-owned utility has  
32 submitted to the department a plan to take specific actions to  
33 achieve full compliance with the standard, consistent with the  
34 findings of the report submitted to the legislature under RCW  
35 19.405.080.

36 (c) Upon issuance of a finding by the auditor, the consumer-owned  
37 utility must submit a progress report to the department on achieving  
38 full compliance with the standard within the term authorized in the  
39 temporary exemption.

1 (d) A consumer-owned utility may request an extension of a  
2 temporary exemption granted under this subsection, subject to the  
3 same requirements as provided in (a) through (c) of this subsection.

4 (e) The attorney general may bring a civil action in the name of  
5 the state for any appropriate civil remedy including, but not limited  
6 to, injunctive relief, penalties, costs, and attorneys' fees, to  
7 enforce compliance with this chapter:

8 (i) Upon the failure of the governing body of a consumer-owned  
9 utility to comply with the conditions of a temporary exemption found  
10 by the auditor to be properly adopted or extended; or

11 (ii) Upon failure of the governing body of a consumer-owned  
12 utility to comply with a finding by the auditor that a temporary  
13 exemption is not properly granted.

14 (f) This subsection does not permanently relieve a consumer-owned  
15 utility of its obligation to comply with the requirements of this  
16 chapter.

17 (6) To the extent an event or circumstance cannot be reasonably  
18 foreseen and ameliorated, such events or circumstances beyond the  
19 reasonable control of an electric utility may include but are not  
20 limited to:

21 (a) Weather-related damage;

22 (b) Natural disasters;

23 (c) Mechanical or resource failure;

24 (d) Failure of a third party to meet contractual obligations to  
25 the electric utility;

26 (e) Actions of governmental authorities that adversely affect the  
27 generation, transmission, or distribution of nonemitting electric  
28 generation or renewable resources owned or under contract to an  
29 electric utility, including condemnation actions by municipal  
30 electric utilities, public utility districts, or irrigation districts  
31 that adversely affect an investor-owned utility's ability to meet the  
32 standard established in RCW 19.405.030(1) and 19.405.040(1);

33 (f) Inability to acquire sufficient transmission to transmit  
34 electricity from nonemitting electric generation or renewable  
35 resources to load; and

36 (g) Substantial limitations, restrictions, or prohibitions on  
37 nonemitting electric generation or renewable resources.

38 (7) An electric utility must notify its retail electric customers  
39 in published form within three months of paying the administrative  
40 penalty established under subsection (1) of this section. An electric



1 utility is not required to notify its retail electric customers when  
2 making a payment in the amount of the administrative penalty as an  
3 alternative compliance payment consistent with the requirements of  
4 RCW 19.405.040(1)(b).

5 (8) Moneys collected under this section must be deposited into  
6 the low-income weatherization and structural rehabilitation  
7 assistance account created in RCW (~~(70.164.030)~~) 70A.35.030.

8 (9) For an investor-owned utility, the commission must determine  
9 compliance with the requirements of this chapter.

10 (10) For consumer-owned utilities, the auditor is responsible for  
11 auditing compliance with this chapter and rules adopted under this  
12 chapter that apply to those utilities and the attorney general is  
13 responsible for enforcing that compliance.

14 (11) If the report submitted under RCW 19.405.080 demonstrates  
15 adverse system reliability impacts from the implementation of RCW  
16 19.405.040 and 19.405.050, the governor, consistent with the  
17 emergency powers under RCW 43.21G.040, may suspend or delay  
18 implementation of this chapter, or exempt an electric utility from  
19 paying the administrative penalty under this section, until system  
20 reliability impacts can be addressed. Adverse system reliability  
21 impacts may include, but are not limited to, the inability of  
22 electric utilities or transmission operators to meet reliability  
23 standards mandated by federal or state law and required by prudent  
24 utility practices.

25 (12) Notwithstanding RCW 54.16.020, the fair market value  
26 compensation for an asset that is condemned by a municipal electric  
27 utility, public utility district, or irrigation district and that is  
28 either demonstrated in an electric utility's clean energy action plan  
29 or clean energy implementation plan to be used or acquired after May  
30 7, 2019, to meet the requirements of RCW 19.405.040 and 19.405.050,  
31 or an asset that generates electricity from renewable resources or  
32 nonemitting electric generation, must include but not be limited to a  
33 replacement value approach. Additionally, the electric utility may  
34 seek, and the court may award, damages attributable to the severance,  
35 separation, replacement, or relocation of utility assets. The trier  
36 of fact may also consider other damages, as well as offsetting  
37 benefits, that it finds just and equitable.

38 (13) An entity that establishes or extends service to the  
39 premises of a customer who is being served by an electric utility or  
40 was served by an electric utility prior to May 7, 2019, must serve

1 those premises in a manner that complies with the requirements of  
2 chapter 288, Laws of 2019 and with chapter 19.285 RCW, if applicable.  
3 An electric utility or other entity that fails to comply with the  
4 requirements of this subsection must pay the administrative penalty  
5 under subsection (1) of this section for each megawatt-hour of  
6 electric generation used to serve load that does not meet the terms  
7 of this subsection.

8 **Sec. 21.** RCW 28B.10.926 and 2013 c 291 s 26 are each amended to  
9 read as follows:

10 (1) Following the inspection required under RCW 28B.10.925 and  
11 prior to transferring ownership of an institution-owned vessel, the  
12 institution of higher education shall obtain the following from the  
13 transferee:

14 (a) The purposes for which the transferee intends to use the  
15 vessel; and

16 (b) Information demonstrating the prospective owner's intent to  
17 obtain legal moorage following the transfer, in the manner determined  
18 by the institution of higher education.

19 (2)(a) The institution of higher education shall remove any  
20 containers or other materials that are not fixed to the vessel and  
21 contain hazardous substances, as defined under RCW (~~70.105D.020~~)  
22 70A.305.020.

23 (b) However, the institution of higher education may transfer a  
24 vessel with:

25 (i) Those containers or materials described under (a) of this  
26 subsection where the transferee demonstrates to the institution of  
27 higher education's satisfaction that the container's or material's  
28 presence is consistent with the anticipated use of the vessel; and

29 (ii) A reasonable amount of fuel as determined by the institution  
30 of higher education, based on factors including the vessel's size,  
31 condition, and anticipated use of the vessel including initial  
32 destination following transfer.

33 (c) The institution of higher education may consult with the  
34 department of ecology in carrying out the requirements of this  
35 subsection.

36 (3) Prior to sale, and unless the vessel has a title or valid  
37 marine document, the institution of higher education is required to  
38 apply for a certificate of title for the vessel under RCW 88.02.510  
39 and register the vessel under RCW 88.02.550.

1       **Sec. 22.** RCW 28B.130.010 and 1993 c 447 s 2 are each amended to  
2 read as follows:

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

5       (1) "Transportation fee" means the fee charged to employees and  
6 students at institutions of higher education for the purposes  
7 provided in RCW 28B.130.020.

8       (2) "Transportation demand management program" means the set of  
9 strategies adopted by an institution of higher education to reduce  
10 the number of single-occupant vehicles traveling to its campus. These  
11 strategies may include but are not limited to those identified in RCW  
12 (~~(70.94.531)~~) 70A.15.4040.

13       **Sec. 23.** RCW 34.05.272 and 2019 c 292 s 11 are each amended to  
14 read as follows:

15       (1) This section applies only to the water quality and shorelands  
16 and environmental assistance programs within the department of  
17 ecology and to actions taken by the department of ecology under  
18 chapter (~~(70.365)~~) 70A.350 RCW.

19       (2)(a) Before taking a significant agency action, which includes  
20 each department of ecology rule to implement a determination of a  
21 regulatory action specified in RCW (~~(70.365.040)~~) 70A.350.040(1) (b)  
22 or (c), the department of ecology must identify the sources of  
23 information reviewed and relied upon by the agency in the course of  
24 preparing to take significant agency action. Peer-reviewed  
25 literature, if applicable, must be identified, as well as any  
26 scientific literature or other sources of information used. The  
27 department of ecology shall make available on the agency's web site  
28 the index of records required under RCW 42.56.070 that are relied  
29 upon, or invoked, in support of a proposal for significant agency  
30 action.

31       (b) On the agency's web site, the department of ecology must  
32 identify and categorize each source of information that is relied  
33 upon in the form of a bibliography, citation list, or similar list of  
34 sources. The categories in (c) of this subsection do not imply or  
35 infer any hierarchy or level of quality.

36       (c) The bibliography, citation list, or similar list of sources  
37 must categorize the sources of information as belonging to one or  
38 more of the following categories:

1 (i) Independent peer review: Review is overseen by an independent  
2 third party;

3 (ii) Internal peer review: Review by staff internal to the  
4 department of ecology;

5 (iii) External peer review: Review by persons that are external  
6 to and selected by the department of ecology;

7 (iv) Open review: Documented open public review process that is  
8 not limited to invited organizations or individuals;

9 (v) Legal and policy document: Documents related to the legal  
10 framework for the significant agency action including but not limited  
11 to:

12 (A) Federal and state statutes;

13 (B) Court and hearings board decisions;

14 (C) Federal and state administrative rules and regulations; and

15 (D) Policy and regulatory documents adopted by local governments;

16 (vi) Data from primary research, monitoring activities, or other  
17 sources, but that has not been incorporated as part of documents  
18 reviewed under the processes described in (c)(i), (ii), (iii), and  
19 (iv) of this subsection;

20 (vii) Records of the best professional judgment of department of  
21 ecology employees or other individuals; or

22 (viii) Other: Sources of information that do not fit into one of  
23 the categories identified in this subsection (2)(c).

24 (3) For the purposes of this section, "significant agency action"  
25 means an act of the department of ecology that:

26 (a) Results in the development of a significant legislative rule  
27 as defined in RCW 34.05.328; or

28 (b) Results in the development of technical guidance, technical  
29 assessments, or technical documents that are used to directly support  
30 implementation of a state rule or state statute.

31 (4) This section is not intended to affect agency action  
32 regarding individual permitting, compliance and enforcement  
33 decisions, or guidance provided by an agency to a local government on  
34 a case-by-case basis.

35 **Sec. 24.** RCW 35A.56.010 and 2015 c 53 s 59 are each amended to  
36 read as follows:

37 Except as otherwise provided in this title, state laws relating  
38 to special service or taxing districts shall apply to, grant powers,  
39 and impose duties upon code cities and their officers to the same

1 extent as such laws apply to and affect other classes of cities and  
2 towns and their employees, including, without limitation, the  
3 following: (1) Chapter (~~70.94~~) 70A.15 RCW, relating to air  
4 pollution control; (2) chapter 68.52 RCW, relating to cemetery  
5 districts; (3) chapter 29A.28 RCW, relating to congressional  
6 districts; (4) chapters 14.07 and 14.08 RCW, relating to municipal  
7 airport districts; (5) chapter 36.88 RCW, relating to county road  
8 improvement districts; (6) Title 85 RCW, relating to diking  
9 districts, drainage districts, and drainage improvement districts;  
10 (7) chapter 36.54 RCW, relating to (~~ferry districts~~) county-owned  
11 ferries; (8) Title 52 RCW, relating to fire protection districts; (9)  
12 Title 86 RCW, relating to flood control districts and flood control;  
13 (10) chapter 70.46 RCW, relating to health districts; (11) chapters  
14 87.03 through 87.84 and 89.12 RCW, relating to irrigation districts;  
15 (12) chapter 35.61 RCW, relating to metropolitan park districts; (13)  
16 chapter 35.58 RCW, relating to metropolitan municipalities; (14)  
17 chapter 17.28 RCW, relating to mosquito control districts; (15)  
18 chapter 17.12 RCW, relating to agricultural pest districts; (16)  
19 Title 53 RCW, relating to port districts; (17) chapter 70.44 RCW,  
20 relating to public hospital districts; (18) Title 54 RCW, relating to  
21 public utility districts; (19) chapter 91.08 RCW, relating to public  
22 waterway districts; (20) chapter 89.12 RCW, relating to reclamation  
23 districts; (21) chapters 57.02 through 57.36 RCW, relating to water-  
24 sewer districts; and (22) chapter 17.04 RCW, relating to weed  
25 districts.

26 **Sec. 25.** RCW 36.32.265 and 1989 c 399 s 8 are each amended to  
27 read as follows:

28 RCW 36.32.240, 36.32.250, and 36.32.260 do not apply to the  
29 selection of persons or entities to construct or develop water  
30 pollution control facilities or to provide water pollution control  
31 services under RCW (~~70.150.040~~) 70A.140.040 or the selection of  
32 persons or entities to construct or develop solid waste handling  
33 facilities or to provide solid waste handling services under RCW  
34 36.58.090.

35 **Sec. 26.** RCW 39.04.175 and 1989 c 399 s 11 are each amended to  
36 read as follows:

37 This chapter does not apply to the selection of persons or  
38 entities to construct or develop water pollution control facilities

1 or to provide water pollution control services under RCW  
2 (~~70.150.040~~) 70A.140.040 or the selection of persons or entities to  
3 construct or develop solid waste handling facilities or to provide  
4 solid waste handling services under RCW 35.21.156 or under RCW  
5 36.58.090.

6 **Sec. 27.** RCW 39.26.265 and 2011 1st sp.s. c 43 s 229 are each  
7 amended to read as follows:

8 (1) The department shall establish purchasing and procurement  
9 policies that establish a preference for electronic products that  
10 meet environmental performance standards relating to the reduction or  
11 elimination of hazardous materials.

12 (2) The department shall ensure that their surplus electronic  
13 products, other than those sold individually to private citizens, are  
14 managed only by registered transporters and by processors meeting the  
15 requirements of RCW (~~70.95N.250~~) 70A.500.250.

16 (3) The department shall ensure that their surplus electronic  
17 products are directed to legal secondary materials markets by  
18 requiring a chain of custody record that documents to whom the  
19 products were initially delivered through to the end use  
20 manufacturer.

21 **Sec. 28.** RCW 39.26.310 and 2019 c 284 s 9 are each amended to  
22 read as follows:

23 (1) The department shall establish purchasing and procurement  
24 policies that provide a preference for products that:

25 (a) Are not restricted under RCW (~~70.235.080~~) 70A.45.080;

26 (b) Do not contain hydrofluorocarbons or contain  
27 hydrofluorocarbons with a comparatively low global warming potential;

28 (c) Are not designed to function only in conjunction with  
29 hydrofluorocarbons characterized by a comparatively high global  
30 warming potential; and

31 (d) Were not manufactured using hydrofluorocarbons or were  
32 manufactured using hydrofluorocarbons with a low global warming  
33 potential.

34 (2) No agency may knowingly purchase products that are not  
35 accorded a preference in the purchasing and procurement policies  
36 established by the department pursuant to subsection (1) of this  
37 section, unless there is no cost-effective and technologically  
38 feasible option that is accorded a preference.

1 (3) Nothing in this section requires the department or any other  
2 state agency to breach an existing contract or dispose of stock that  
3 has been ordered or is in the possession of the department or other  
4 state agency as of July 28, 2019.

5 (4) By December 1, 2020, and each December 1st of even-numbered  
6 years thereafter, the department must submit a status report to the  
7 appropriate committees of the house of representatives and senate  
8 regarding the implementation and compliance of the department and  
9 state agencies with this section.

10 **Sec. 29.** RCW 39.34.190 and 2008 c 301 s 26 are each amended to  
11 read as follows:

12 (1) The legislative authority of a city or county and the  
13 governing body of any special purpose district enumerated in  
14 subsection (2) of this section may authorize up to ten percent of its  
15 water-related revenues to be expended in the implementation of  
16 watershed management plan projects or activities that are in addition  
17 to the county's, city's, or district's existing water-related  
18 services or activities. Such limitation on expenditures shall not  
19 apply to water-related revenues of a public utility district  
20 organized according to Title 54 RCW. Water-related revenues include  
21 rates, charges, and fees for the provision of services relating to  
22 water supply, treatment, distribution, and management generally, and  
23 those general revenues of the local government that are expended for  
24 water management purposes. A local government may not expend for this  
25 purpose any revenues that were authorized by voter approval for other  
26 specified purposes or that are specifically dedicated to the  
27 repayment of municipal bonds or other debt instruments.

28 (2) The following special purpose districts may exercise the  
29 authority provided by this section:

30 (a) Water districts, sewer districts, and water-sewer districts  
31 organized under Title 57 RCW;

32 (b) Public utility districts organized under Title 54 RCW;

33 (c) Irrigation, reclamation, conservation, and similar districts  
34 organized under Titles 87 and 89 RCW;

35 (d) Port districts organized under Title 53 RCW;

36 (e) Diking, drainage, and similar districts organized under Title  
37 85 RCW;

38 (f) Flood control and similar districts organized under Title 86  
39 RCW;

1 (g) Lake or beach management districts organized under chapter  
2 36.61 RCW;

3 (h) Aquifer protection areas organized under chapter 36.36 RCW;  
4 and

5 (i) Shellfish protection districts organized under chapter 90.72  
6 RCW.

7 (3) The authority for expenditure of local government revenues  
8 provided by this section shall be applicable broadly to the  
9 implementation of watershed management plans addressing water supply,  
10 water transmission, water quality treatment or protection, or any  
11 other water-related purposes. Such plans include but are not limited  
12 to plans developed under the following authorities:

13 (a) Watershed plans developed under chapter 90.82 RCW;

14 (b) Salmon recovery plans developed under chapter 77.85 RCW;

15 (c) Watershed management elements of comprehensive land use plans  
16 developed under the growth management act, chapter 36.70A RCW;

17 (d) Watershed management elements of shoreline master programs  
18 developed under the shoreline management act, chapter 90.58 RCW;

19 (e) Nonpoint pollution action plans developed under the Puget  
20 Sound water quality management planning authorities of chapter 90.71  
21 RCW and chapter 400-12 WAC;

22 (f) Other comprehensive management plans addressing watershed  
23 health at a WRIA level or sub-WRIA basin drainage level;

24 (g) Coordinated water system plans under chapter ~~((70.116))~~  
25 70A.100 RCW and similar regional plans for water supply; and

26 (h) Any combination of the foregoing plans in an integrated  
27 watershed management plan.

28 (4) The authority provided by this section to expend revenues for  
29 watershed management plan implementation shall be construed broadly  
30 to include, but not be limited to:

31 (a) The coordination and oversight of plan implementation,  
32 including funding a watershed management partnership for this  
33 purpose;

34 (b) Technical support, monitoring, and data collection and  
35 analysis;

36 (c) The design, development, construction, and operation of  
37 projects included in the plan; and

38 (d) Conducting activities and programs included as elements in  
39 the plan.



1       **Sec. 30.** RCW 43.01.225 and 2011 1st sp.s. c 43 s 253 are each  
2 amended to read as follows:

3       There is hereby established an account in the state treasury to  
4 be known as the "state vehicle parking account." All parking rental  
5 income resulting from parking fees established by the department of  
6 enterprise services under RCW 46.08.172 at state-owned or leased  
7 property shall be deposited in the "state vehicle parking account."  
8 Revenue deposited in the "state vehicle parking account" shall be  
9 first applied to pledged purposes. Unpledged parking revenues  
10 deposited in the "state vehicle parking account" may be used to:

11       (1) Pay costs incurred in the operation, maintenance, regulation,  
12 and enforcement of vehicle parking and parking facilities;

13       (2) Support the lease costs and/or capital investment costs of  
14 vehicle parking and parking facilities; and

15       (3) Support agency commute trip reduction programs under RCW  
16 (~~(70.94.521 through 70.94.551)~~) 70A.15.4000 through 70A.15.4100.

17       **Sec. 31.** RCW 43.01.230 and 1995 c 215 s 1 are each amended to  
18 read as follows:

19       State agencies may, under the internal revenue code rules, use  
20 public funds to financially assist agency-approved incentives for  
21 alternative commute modes, including but not limited to carpools,  
22 vanpools, purchase of transit and ferry passes, and guaranteed ride  
23 home programs, if the financial assistance is an element of the  
24 agency's commute trip reduction program as required under RCW  
25 (~~(70.94.521 through 70.94.551)~~) 70A.15.4000 through 70A.15.4100. This  
26 section does not permit any payment for the use of state-owned  
27 vehicles for commuter ride sharing.

28       **Sec. 32.** RCW 43.01.240 and 2015 c 225 s 58 are each amended to  
29 read as follows:

30       (1) There is hereby established an account in the state treasury  
31 to be known as the state agency parking account. All parking income  
32 collected from the fees imposed by state agencies on parking spaces  
33 at state-owned or leased facilities, including the capitol campus,  
34 shall be deposited in the state agency parking account. Only the  
35 office of financial management may authorize expenditures from the  
36 account. The account is subject to allotment procedures under chapter  
37 43.88 RCW, but no appropriation is required for expenditures. No

1 agency may receive an allotment greater than the amount of revenue  
2 deposited into the state agency parking account.

3 (2) An agency may, as an element of the agency's commute trip  
4 reduction program to achieve the goals set forth in RCW (~~(70.94.527)~~)  
5 70A.15.4020, impose parking rental fees at state-owned and leased  
6 properties. These fees will be deposited in the state agency parking  
7 account. Each agency shall establish a committee to advise the agency  
8 director on parking rental fees, taking into account the market rate  
9 of comparable, privately owned rental parking in each region. The  
10 agency shall solicit representation of the employee population  
11 including, but not limited to, management, administrative staff,  
12 production workers, and state employee bargaining units. Funds shall  
13 be used by agencies to: (a) Support the agencies' commute trip  
14 reduction program under RCW (~~(70.94.521 through 70.94.551)~~)  
15 70A.15.4000 through 70A.15.4100; (b) support the agencies' parking  
16 program; or (c) support the lease or ownership costs for the  
17 agencies' parking facilities.

18 (3) In order to reduce the state's subsidization of employee  
19 parking, after July 1997 agencies shall not enter into leases for  
20 employee parking in excess of building code requirements, except as  
21 authorized by the director of enterprise services. In situations  
22 where there are fewer parking spaces than employees at a worksite,  
23 parking must be allocated equitably, with no special preference given  
24 to managers.

25 **Sec. 33.** RCW 43.19.623 and 1993 c 394 s 3 are each amended to  
26 read as follows:

27 Pursuant to policies and regulations promulgated by the office of  
28 financial management, an elected state officer or delegate or a state  
29 agency director or delegate may permit an employee to commute in a  
30 state-owned or leased vehicle if such travel is on official business,  
31 as determined in accordance with RCW (~~(43.41.130)~~) 43.19.622, and is  
32 determined to be economical and advantageous to the state, or as part  
33 of a commute trip reduction program as required by RCW (~~(70.94.551)~~)  
34 70A.15.4100.

35 **Sec. 34.** RCW 43.19.637 and 2002 c 285 s 3 are each amended to  
36 read as follows:

37 (1) At least thirty percent of all new vehicles purchased through  
38 a state contract shall be clean-fuel vehicles.

1 (2) The percentage of clean-fuel vehicles purchased through a  
2 state contract shall increase at the rate of five percent each year.

3 (3) In meeting the procurement requirement established in this  
4 section, preference shall be given to vehicles designed to operate  
5 exclusively on clean fuels. In the event that vehicles designed to  
6 operate exclusively on clean fuels are not available or would not  
7 meet the operational requirements for which a vehicle is to be  
8 procured, conventionally powered vehicles may be converted to clean  
9 fuel or dual fuel use to meet the requirements of this section.

10 (4) Fuel purchased through a state contract shall be a clean fuel  
11 when the fuel is purchased for the operation of a clean-fuel vehicle.

12 (5)(a) Weight classes are established by the following motor  
13 vehicle types:

14 (i) Passenger cars;

15 (ii) Light duty trucks, trucks with a gross vehicle weight rating  
16 by the vehicle manufacturer of less than eight thousand five hundred  
17 pounds;

18 (iii) Heavy duty trucks, trucks with a gross vehicle weight  
19 rating by the vehicle manufacturer of eight thousand five hundred  
20 pounds or more.

21 (b) This subsection does not place an obligation upon the state  
22 or its political subdivisions to purchase vehicles in any number or  
23 weight class other than to meet the percent procurement requirement.

24 (6) The provisions for purchasing clean-fuel vehicles under  
25 subsections (1) and (2) of this section are intended as minimum  
26 levels. The department should seek to increase the purchasing levels  
27 of clean-fuel vehicles above the minimum. The department must also  
28 investigate all opportunities to aggregate their purchasing with  
29 local governments to determine whether or not they can lower their  
30 costs and make it cost-efficient to increase the percentage of clean-  
31 fuel or high gas mileage vehicles in both the state and local fleets.

32 (7) For the purposes of this section, "clean fuels" and "clean-  
33 fuel vehicles" shall be those fuels and vehicles meeting the  
34 specifications provided for in RCW (~~70.120.210~~) 70A.25.120.

35 **Sec. 35.** RCW 43.19.800 and 2013 c 291 s 6 are each amended to  
36 read as follows:

37 (1) Following the inspection required under RCW 43.19.1919 and  
38 prior to transferring ownership of a department-owned vessel, the  
39 department shall obtain the following from the transferee:

1 (a) The purposes for which the transferee intends to use the  
2 vessel; and

3 (b) Information demonstrating the prospective owner's intent to  
4 obtain legal moorage following the transfer, in the manner determined  
5 by the department.

6 (2)(a) The department shall remove any containers or other  
7 materials that are not fixed to the vessel and contain hazardous  
8 substances, as defined under RCW ((~~70.105D.020~~)) 70A.305.020.

9 (b) However, the department may transfer a vessel with:

10 (i) Those containers or materials described under (a) of this  
11 subsection where the transferee demonstrates to the department's  
12 satisfaction that the container's or material's presence is  
13 consistent with the anticipated use of the vessel; and

14 (ii) A reasonable amount of fuel as determined by the department,  
15 based on factors including the vessel's size, condition, and  
16 anticipated use of the vessel, including initial destination  
17 following transfer.

18 (c) The department may consult with the department of ecology in  
19 carrying out the requirements of this subsection (2).

20 (3) Prior to sale, and unless the vessel has a title or valid  
21 marine document, the department is required to apply for a  
22 certificate of title for the vessel under RCW 88.02.510 and register  
23 the vessel under RCW 88.02.550.

24 **Sec. 36.** RCW 43.19A.010 and 2011 1st sp.s. c 43 s 250 are each  
25 reenacted and amended to read as follows:

26 Unless the context clearly requires otherwise, the definitions in  
27 this section apply throughout this chapter.

28 (1) "Biosolids" means municipal sewage sludge or septic tank  
29 septage sludge that meets the requirements of chapter ((~~70.95J~~))  
30 70A.226 RCW.

31 (2) "Compost products" means mulch, soil amendments, ground  
32 cover, or other landscaping material derived from the biological or  
33 mechanical conversion of biosolids or cellulose-containing waste  
34 materials.

35 (3) "Department" means the department of enterprise services.

36 (4) "Director" means the director of the department of enterprise  
37 services.

38 (5) "Local government" means a city, town, county, special  
39 purpose district, school district, or other municipal corporation.

1           (6) "Lubricating oil" means petroleum-based oils for reducing  
2 friction in engine parts and other mechanical parts.

3           (7) "Mixed waste paper" means assorted low-value grades of paper  
4 that have not been separated into individual grades of paper at the  
5 point of collection.

6           (8) "Municipal sewage sludge" means a semisolid substance  
7 consisting of settled sewage solids combined with varying amounts of  
8 water and dissolved materials generated from a publicly owned  
9 wastewater treatment plant.

10          (9) "Paper and paper products" means all items manufactured from  
11 paper or paperboard.

12          (10) "Postconsumer waste" means a material or product that has  
13 served its intended use and has been discarded for disposal or  
14 recovery by a final consumer.

15          (11) "Procurement officer" means the person that has the primary  
16 responsibility for procurement of materials or products.

17          (12) "Recycled content product" or "recycled product" means a  
18 product containing recycled materials.

19          (13) "Recycled materials" means waste materials and by-products  
20 that have been recovered or diverted from solid waste and that can be  
21 utilized in place of a raw or virgin material in manufacturing a  
22 product and consists of materials derived from postconsumer waste,  
23 manufacturing waste, industrial scrap, agricultural wastes, and other  
24 items, all of which can be used in the manufacture of new or recycled  
25 products.

26          (14) "Re-refined oils" means used lubricating oils from which the  
27 physical and chemical contaminants acquired through previous use have  
28 been removed through a refining process. Re-refining may include  
29 distillation, hydrotreating, or treatments employing acid, caustic,  
30 solvent, clay, or other chemicals, or other physical treatments other  
31 than those used in reclaiming.

32          (15) "State agency" means all units of state government,  
33 including divisions of the governor's office, the legislature, the  
34 judiciary, state agencies and departments, correctional institutions,  
35 vocational technical institutions, and universities and colleges.

36          (16) "USEPA product standards" means the product standards of the  
37 United States environmental protection agency for recycled content  
38 published in the Code of Federal Regulations.

1       **Sec. 37.** RCW 43.20.050 and 2011 c 27 s 1 are each amended to  
2 read as follows:

3       (1) The state board of health shall provide a forum for the  
4 development of public health policy in Washington state. It is  
5 authorized to recommend to the secretary means for obtaining  
6 appropriate citizen and professional involvement in all public health  
7 policy formulation and other matters related to the powers and duties  
8 of the department. It is further empowered to hold hearings and  
9 explore ways to improve the health status of the citizenry.

10       In fulfilling its responsibilities under this subsection, the  
11 state board may create ad hoc committees or other such committees of  
12 limited duration as necessary.

13       (2) In order to protect public health, the state board of health  
14 shall:

15       (a) Adopt rules for group A public water systems, as defined in  
16 RCW (~~(70.119A.020)~~) 70A.125.010, necessary to assure safe and  
17 reliable public drinking water and to protect the public health. Such  
18 rules shall establish requirements regarding:

19       (i) The design and construction of public water system  
20 facilities, including proper sizing of pipes and storage for the  
21 number and type of customers;

22       (ii) Drinking water quality standards, monitoring requirements,  
23 and laboratory certification requirements;

24       (iii) Public water system management and reporting requirements;

25       (iv) Public water system planning and emergency response  
26 requirements;

27       (v) Public water system operation and maintenance requirements;

28       (vi) Water quality, reliability, and management of existing but  
29 inadequate public water systems; and

30       (vii) Quality standards for the source or supply, or both source  
31 and supply, of water for bottled water plants;

32       (b) Adopt rules as necessary for group B public water systems, as  
33 defined in RCW (~~(70.119A.020)~~) 70A.125.010. The rules shall, at a  
34 minimum, establish requirements regarding the initial design and  
35 construction of a public water system. The state board of health  
36 rules may waive some or all requirements for group B public water  
37 systems with fewer than five connections;

38       (c) Adopt rules and standards for prevention, control, and  
39 abatement of health hazards and nuisances related to the disposal of  
40 human and animal excreta and animal remains;

1 (d) Adopt rules controlling public health related to  
2 environmental conditions including but not limited to heating,  
3 lighting, ventilation, sanitary facilities, and cleanliness in public  
4 facilities including but not limited to food service establishments,  
5 schools, recreational facilities, and transient accommodations;

6 (e) Adopt rules for the imposition and use of isolation and  
7 quarantine;

8 (f) Adopt rules for the prevention and control of infectious and  
9 noninfectious diseases, including food and vector borne illness, and  
10 rules governing the receipt and conveyance of remains of deceased  
11 persons, and such other sanitary matters as may best be controlled by  
12 universal rule; and

13 (g) Adopt rules for accessing existing databases for the purposes  
14 of performing health related research.

15 (3) The state board shall adopt rules for the design,  
16 construction, installation, operation, and maintenance of those  
17 on-site sewage systems with design flows of less than three thousand  
18 five hundred gallons per day.

19 (4) The state board may delegate any of its rule-adopting  
20 authority to the secretary and rescind such delegated authority.

21 (5) All local boards of health, health authorities and officials,  
22 officers of state institutions, police officers, sheriffs,  
23 constables, and all other officers and employees of the state, or any  
24 county, city, or township thereof, shall enforce all rules adopted by  
25 the state board of health. In the event of failure or refusal on the  
26 part of any member of such boards or any other official or person  
27 mentioned in this section to so act, he or she shall be subject to a  
28 fine of not less than fifty dollars, upon first conviction, and not  
29 less than one hundred dollars upon second conviction.

30 (6) The state board may advise the secretary on health policy  
31 issues pertaining to the department of health and the state.

32 **Sec. 38.** RCW 43.20.065 and 2019 c 21 s 2 are each amended to  
33 read as follows:

34 (1) Rules adopted by the state board under RCW 43.20.050(3)  
35 regarding failures of on-site sewage systems must:

36 (a) Give first priority to allowing repair and second priority to  
37 allowing replacement of an existing conventional on-site sewage  
38 system, consisting of a septic tank and drainfield, with a similar  
39 conventional system;

1 (b) Not impose or allow the imposition of more stringent  
2 performance requirements of equivalent on-site sewage systems on  
3 private entities than public entities; and

4 (c) Allow a system to be repaired using the least expensive  
5 alternative that meets standards and is likely to provide comparable  
6 or better long-term sewage treatment and effluent dispersal outcomes.

7 (2) Rules adopted by the state board under RCW 43.20.050(3)  
8 regarding inspections must:

9 (a) Require any inspection of an on-site sewage system carried  
10 out by a certified professional inspector or public agency to be  
11 coordinated with the owner of the on-site sewage system prior to  
12 accessing the on-site sewage system;

13 (b) Require any inspection of an on-site sewage system carried  
14 out by a certified professional inspector or responsible public  
15 agency to be authorized by the owner of the on-site sewage system  
16 prior to accessing the on-site sewage system;

17 (c) Allow, in cases where an inspection has not been authorized  
18 by a property owner, the local health jurisdiction to follow the  
19 procedures established for an administrative search warrant in RCW  
20 (~~70.118.030~~) 70A.105.030; and

21 (d) Forbid local health jurisdictions from requiring private  
22 property owners to grant inspection or maintenance easements for on-  
23 site sewage systems as a condition of permit issuance for on-site  
24 sewage systems that are located on a single property and service a  
25 single dwelling unit.

26 **Sec. 39.** RCW 43.21K.010 and 2003 c 39 s 25 are each amended to  
27 read as follows:

28 The definitions in this section apply throughout this chapter  
29 unless the context clearly requires otherwise.

30 (1) "State, regional, or local agency" means an agency, board,  
31 department, authority, or commission that administers environmental  
32 laws.

33 (2) "Coordinating agency" means the state, regional, or local  
34 agency with the primary regulatory responsibility for the proposed  
35 environmental excellence program agreement. If multiple agencies have  
36 jurisdiction to administer state environmental laws affected by an  
37 environmental excellence agreement, the department of ecology shall  
38 designate or act as the coordinating agency.



1 (3) "Director" means the individual or body of individuals in  
2 whom the ultimate legal authority of an agency is vested by any  
3 provision of law. If the agency head is a body of individuals, a  
4 majority of those individuals constitutes the director.

5 (4) "Environmental laws" means chapters 43.21A, (~~70.94, 70.95,~~  
6 ~~70.105, 70.119A~~) 70A.15, 70A.205, 70A.300, 70A.125, 77.55, 90.48,  
7 90.52, 90.58, 90.64, and 90.71 RCW, and RCW 90.54.020(3)(b) and rules  
8 adopted under those chapters and section. The term environmental laws  
9 as used in this chapter does not include any provision of the Revised  
10 Code of Washington, or of any municipal ordinance or enactment, that  
11 regulates the selection of a location for a new facility.

12 (5) "Facility" means a site or activity that is regulated under  
13 any of the provisions of the environmental laws.

14 (6) "Legal requirement" includes any provision of an  
15 environmental law, rule, order, or permit.

16 (7) "Sponsor" means the owner or operator of a facility,  
17 including a municipal corporation, subject to regulation under the  
18 environmental laws of the state of Washington, or an authorized  
19 representative of the owner or operator, that submits a proposal for  
20 an environmental excellence program agreement.

21 (8) "Stakeholder" means a person who has a direct interest in the  
22 proposed environmental excellence program agreement or who represents  
23 a public interest in the proposed environmental excellence program  
24 agreement. Stakeholders may include communities near the project,  
25 local or state governments, permittees, businesses, environmental and  
26 other public interest groups, employees or employee representatives,  
27 or other persons.

28 **Sec. 40.** RCW 43.21K.020 and 1997 c 381 s 3 are each amended to  
29 read as follows:

30 An environmental excellence program agreement entered into under  
31 this chapter must achieve more effective or efficient environmental  
32 results than the results that would be otherwise achieved. The basis  
33 for comparison shall be a reasonable estimate of the overall impact  
34 of the participating facility on the environment in the absence of an  
35 environmental excellence program agreement. More effective  
36 environmental results are results that are better overall than those  
37 that would be achieved under the legal requirements superseded or  
38 replaced by the agreement. More efficient environmental results are  
39 results that are achieved at reduced cost but do not decrease the

1 overall environmental results achieved by the participating facility.  
2 An environmental excellence program agreement may not authorize  
3 either (1) the release of water pollutants that will cause to be  
4 exceeded, at points of compliance in the ambient environment  
5 established pursuant to law, numeric surface water or groundwater  
6 quality criteria or numeric sediment quality criteria adopted as  
7 rules under chapter 90.48 RCW; or (2) the emission of any air  
8 contaminants that will cause to be exceeded any air quality standard  
9 as defined in RCW (~~(70.94.030)~~) 70A.15.1030(3); or (3) a decrease in  
10 the overall environmental results achieved by the participating  
11 facility compared with results achieved over a representative period  
12 before the date on which the agreement is proposed by the sponsor.  
13 However, an environmental excellence program agreement may authorize  
14 reasonable increases in the release of pollutants to permit increases  
15 in facility production or facility expansion and modification.

16 **Sec. 41.** RCW 43.21K.030 and 1997 c 381 s 4 are each amended to  
17 read as follows:

18 (1) The director of a state, regional, or local agency may enter  
19 into an environmental excellence program agreement with any sponsor,  
20 even if one or more of the terms of the environmental excellence  
21 program agreement would be inconsistent with an otherwise applicable  
22 legal requirement. An environmental excellence program agreement must  
23 meet the requirements of RCW 43.21K.020. Otherwise applicable legal  
24 requirements identified according to RCW 43.21K.060(1) shall be  
25 superseded and replaced in accordance with RCW 43.21K.080.

26 (2) The director of a state, regional, or local agency may enter  
27 into an environmental excellence program agreement only to the extent  
28 the state, regional, or local agency has jurisdiction to administer  
29 state environmental laws either directly or indirectly through the  
30 adoption of rules.

31 (3) Where a sponsor proposes an environmental excellence program  
32 agreement that would affect legal requirements applicable to the  
33 covered facility that are administered by more than one state,  
34 regional, or local agency, the coordinating agency shall take the  
35 lead in developing the environmental excellence program agreement  
36 with the sponsor and other agencies administering legal requirements  
37 applicable to the covered facility and affected by the agreement. The  
38 environmental excellence program agreement does not become effective  
39 until the agreement is approved by the director of each agency

1 administering legal requirements identified according to RCW  
2 43.21K.060(1).

3 (4) No director may enter into an environmental excellence  
4 program agreement applicable to a remedial action conducted under the  
5 Washington model toxics control act, chapter (~~(70.105D)~~) 70A.305 RCW,  
6 or the federal comprehensive environmental response, compensation and  
7 liability act (42 U.S.C. Sec. 9601 et seq.). No action taken under  
8 this chapter shall be deemed a waiver of any applicable, relevant, or  
9 appropriate requirements for any remedial action conducted under the  
10 Washington model toxics control act or the federal comprehensive  
11 environmental response, compensation and liability act.

12 (5) The directors of state, regional, or local agencies shall not  
13 enter into an environmental excellence program agreement or a  
14 modification of an environmental excellence program agreement  
15 containing terms affecting legal requirements adopted to comply with  
16 provisions of a federal regulatory program and to which the  
17 responsible federal agency objects after notice under the terms of  
18 RCW 43.21K.070(4).

19 (6) The directors of regional or local governments may not enter  
20 into an environmental excellence program agreement or a modification  
21 of an environmental excellence program agreement containing terms  
22 affecting legal requirements that are subject to review or appeal by  
23 a state agency, including but not limited to chapters (~~(70.94,~~  
24 ~~70.95)~~) 70A.15, 70A.205, and 90.58 RCW, and to which the responsible  
25 state agency objects after notice is given under the terms of RCW  
26 43.21K.070(4).

27 **Sec. 42.** RCW 43.30.570 and 2013 c 291 s 8 are each amended to  
28 read as follows:

29 (1) Following the inspection required under RCW 43.30.565 and  
30 prior to transferring ownership of a department-owned vessel, the  
31 department shall obtain the following from the transferee:

32 (a) The purposes for which the transferee intends to use the  
33 vessel; and

34 (b) Information demonstrating the prospective owner's intent to  
35 obtain legal moorage following the transfer, in the manner determined  
36 by the department.

37 (2)(a) The department shall remove any containers or other  
38 materials that are not fixed to the vessel and contain hazardous  
39 substances, as defined under RCW (~~(70.105D.020)~~) 70A.305.020.

1 (b) However, the department may transfer a vessel with:

2 (i) Those containers or materials described under (a) of this  
3 subsection where the transferee demonstrates to the department's  
4 satisfaction that the container's or material's presence is  
5 consistent with the anticipated use of the vessel; and

6 (ii) A reasonable amount of fuel as determined by the department,  
7 based on factors including the vessel's size, condition, and  
8 anticipated use of the vessel, including initial destination  
9 following transfer.

10 (c) The department may consult with the department of ecology in  
11 carrying out the requirements of this subsection.

12 (3) Prior to sale, and unless the vessel has a title or valid  
13 marine document, the department is required to apply for a  
14 certificate of title for the vessel under RCW 88.02.510 and register  
15 the vessel under RCW 88.02.550.

16 **Sec. 43.** RCW 43.42.070 and 2012 c 196 s 4 are each amended to  
17 read as follows:

18 (1) The office may enter into cost-reimbursement agreements with  
19 a project proponent to recover from the project proponent the  
20 reasonable costs incurred by the office in carrying out the  
21 provisions of this chapter. The agreement must include provisions for  
22 covering the costs incurred by the permit agencies that are  
23 participating in the cost-reimbursement project and carrying out  
24 permit processing or project review tasks referenced in the cost-  
25 reimbursement agreement.

26 (2) The office must maintain policies or guidelines for  
27 coordinating cost-reimbursement agreements with participating  
28 agencies, project proponents, and independent consultants. Policies  
29 or guidelines must ensure that, in developing cost-reimbursement  
30 agreements, conflicts of interest are eliminated. The policies must  
31 also support effective use of cost-reimbursement resources to address  
32 staffing and capacity limitations as may be relevant within the  
33 office or participating permit agencies.

34 (3) For fully coordinated permit processes and priority economic  
35 recovery projects selected pursuant to this section, the office must  
36 coordinate the negotiation of all cost-reimbursement agreements  
37 executed under RCW 43.21A.690, 43.30.490, 43.70.630, 43.300.080, and  
38 (~~70.94.085~~) 70A.15.1570. The office, project proponent, and  
39 participating permit agencies must be signatories to the cost-

1 reimbursement agreement or agreements. Each participating permit  
2 agency must manage performance of its portion of the cost-  
3 reimbursement agreement. Independent consultants hired under a cost-  
4 reimbursement agreement must report directly to the hiring office or  
5 participating permit agency. Any cost-reimbursement agreement must  
6 require that final decisions are made by the participating permit  
7 agency and not by a hired independent consultant.

8 (4) For any project using cost reimbursement, the cost-  
9 reimbursement agreement must require the office and participating  
10 permit agencies to develop and periodically update a project work  
11 plan, which the office must provide on the internet and share with  
12 each party to the agreement.

13 (5) (a) The cost-reimbursement agreement must identify the  
14 proposed project, the desired outcomes, and the maximum costs for  
15 work to be conducted under the agreement. The desired outcomes must  
16 refer to the decision-making process and may not prejudice or  
17 predetermine whether decisions will be to approve or deny any  
18 required permit or other application. Each participating permit  
19 agency must agree to give priority to the cost-reimbursement project  
20 but may in no way reduce or eliminate regulatory requirements as part  
21 of the priority review.

22 (b) Reasonable costs are determined based on time and materials  
23 estimates with a provision for contingencies, or set as a flat fee  
24 tied to a reasonable estimate of staff hours required.

25 (c) The cost-reimbursement agreement may include deliverables and  
26 schedules for invoicing and reimbursement. The office may require  
27 advance payment of some or all of the agreed reimbursement, to be  
28 held in reserve and distributed to participating permit agencies and  
29 the office upon approval of invoices by the project proponent. The  
30 project proponent has thirty days to request additional information  
31 or challenge an invoice. If an invoice is challenged, the office must  
32 respond and attempt to resolve the challenge within thirty days. If  
33 the office is unable to resolve the challenge within thirty days, the  
34 challenge must be submitted to the office of financial management. A  
35 decision on such a challenge must be made by the office of financial  
36 management and approved by the director of the office of financial  
37 management and is binding on the parties.

38 (d) Upon request, the office must verify whether participating  
39 permit agencies have met the obligations contained in the project  
40 work plan and cost-reimbursement agreement.

1 (6) If a party to the cost-reimbursement agreement foresees, at  
2 any time, that it will be unable to meet its obligations under the  
3 agreement, it must notify the office and state the reasons, along  
4 with proposals for resolving the problems. The office must notify the  
5 other parties to the cost-reimbursement agreement and seek to resolve  
6 the problems by adjusting invoices, deliverables, or the project work  
7 plan, or through some other accommodation.

8 **Sec. 44.** RCW 43.70.080 and 2018 c 201 s 8009 are each amended to  
9 read as follows:

10 The powers and duties of the department of social and health  
11 services and the secretary of social and health services under the  
12 following statutes are hereby transferred to the department of health  
13 and the secretary of health: Chapters 16.70, 18.46, 18.71, 18.73,  
14 18.76, 69.30, 70.28, 70.30, 70.50, 70.58, 70.62, 70.83, 70.90,  
15 (~~70.98~~) 70A.388, 70.104, (~~70.116, 70.118, 70.119, 70.119A,~~  
16 ~~70.121~~) 70A.100, 70A.105, 70A.120, 70A.125, 70A.310, 70.127,  
17 (~~70.142~~) 70A.130, and 80.50 RCW. More specifically, the following  
18 programs and services presently administered by the department of  
19 social and health services are hereby transferred to the department  
20 of health:

21 (1) Personal health and protection programs and related  
22 management and support services, including, but not limited to:  
23 Immunizations; tuberculosis; sexually transmitted diseases; AIDS;  
24 diabetes control; primary health care; cardiovascular risk reduction;  
25 kidney disease; regional genetic services; newborn metabolic  
26 screening; sentinel birth defects; cytogenetics; communicable disease  
27 epidemiology; and chronic disease epidemiology;

28 (2) Environmental health protection services and related  
29 management and support services, including, but not limited to:  
30 Radiation, including X-ray control, radioactive materials, uranium  
31 mills, low-level waste, emergency response and reactor safety, and  
32 environmental radiation protection; drinking water; toxic substances;  
33 on-site sewage; recreational water contact facilities; food services  
34 sanitation; shellfish; and general environmental health services,  
35 including schools, vectors, parks, and camps;

36 (3) Public health laboratory;

37 (4) Public health support services, including, but not limited  
38 to: Vital records; health data; local public health services support;  
39 and health education and information;

1 (5) Licensing and certification services including, but not  
2 limited to: Behavioral health agencies, agencies providing problem  
3 and pathological gambling treatment, health and personal care  
4 facility survey, construction review, emergency medical services,  
5 laboratory quality assurance, and accommodations surveys; and

6 (6) Effective January 1, 1991, parent and child health services  
7 and related management support services, including, but not limited  
8 to: Maternal and infant health; child health; parental health;  
9 nutrition; services for children with disabilities; family planning;  
10 adolescent pregnancy services; high priority infant tracking; early  
11 intervention; parenting education; prenatal regionalization; and  
12 power and duties under RCW 43.20A.635. The director of the office of  
13 financial management may recommend to the legislature a delay in this  
14 transfer, if it is determined that this time frame is not adequate.

15 **Sec. 45.** RCW 43.70.660 and 2008 c 288 s 6 are each amended to  
16 read as follows:

17 (1) The legislature authorizes the secretary to establish and  
18 maintain a product safety education campaign to promote greater  
19 awareness of products designed to be used by infants and children  
20 that:

21 (a) Are recalled by the United States consumer products safety  
22 commission;

23 (b) Do not meet federal safety regulations and voluntary safety  
24 standards;

25 (c) Are unsafe or illegal to place into the stream of commerce  
26 under the infant crib safety act, chapter 70.111 RCW; or

27 (d) Contain chemicals of high concern for children as identified  
28 under RCW (~~(70.240.030)~~) 70A.430.040.

29 (2) The department shall make reasonable efforts to ensure that  
30 this infant and children product safety education campaign reaches  
31 the target population. The target population for this campaign  
32 includes, but is not limited to, parents, foster parents and other  
33 caregivers, child care providers, consignment and resale stores  
34 selling infant and child products, and charitable and governmental  
35 entities serving infants, children, and families.

36 (3) The secretary may utilize a combination of methods to achieve  
37 this outreach and education goal, including but not limited to print  
38 and electronic media. The secretary may operate the campaign or may  
39 contract with a vendor.

1 (4) The department shall coordinate this infant and children  
2 product safety education campaign with child-serving entities  
3 including, but not limited to, hospitals, birthing centers, midwives,  
4 pediatricians, obstetricians, family practice physicians,  
5 governmental and private entities serving infants, children, and  
6 families, and relevant manufacturers.

7 (5) The department shall coordinate with other agencies and  
8 entities to eliminate duplication of effort in disseminating infant  
9 and children consumer product safety information.

10 (6) The department may receive funding for this infant and  
11 children product safety education effort from federal, state, and  
12 local governmental entities, child-serving foundations, or other  
13 private sources.

14 **Sec. 46.** RCW 43.83.350 and 2015 1st sp.s. c 4 s 40 are each  
15 amended to read as follows:

16 (1) The state and local improvements revolving account, Waste  
17 Disposal Facilities, 1980 is hereby created in the state treasury and  
18 shall be used exclusively for the purpose of providing funds to  
19 public bodies for the planning, design, acquisition, construction,  
20 and improvement of public waste disposal and management facilities,  
21 or for purposes of assisting a public body to obtain an ownership  
22 interest in waste disposal and management facilities and/or to defray  
23 a part of the payments made by a public body to a service provider  
24 under a service agreement entered into pursuant to RCW ((~~70.150.060~~))  
25 70A.140.060, in this state.

26 (2) "Waste disposal and management facilities" means any  
27 facilities or systems for the control, collection, storage,  
28 treatment, disposal, recycling, or recovery of nonradioactive liquid  
29 wastes or nonradioactive solid wastes, or a combination thereof,  
30 including, but not limited to, sanitary sewage, stormwater,  
31 residential, industrial, commercial, and agricultural wastes, and  
32 concentrations of organic sediments waste, inorganic nutrients, and  
33 toxic materials which are causing environmental degradation and loss  
34 of the beneficial use of the environment, and material segregated  
35 into recyclables and nonrecyclables. Waste disposal and management  
36 facilities may include all equipment, utilities, structures, real  
37 property, and interest in and improvements on real property necessary  
38 for or incidental to such purpose. As used in this chapter, the  
39 phrase "waste disposal and management facilities" shall not include



1 the acquisition of equipment used to collect residential or  
2 commercial garbage.

3 (3) "Public body" means the state of Washington or any agency,  
4 political subdivision, taxing district, or municipal corporation  
5 thereof, an agency of the federal government, and those Indian tribes  
6 now or hereafter recognized as such by the federal government.

7 (4) "Control" means those measures necessary to maintain and/or  
8 restore the beneficial uses of polluted land and water resources  
9 including, but not limited to, the diversion, sedimentation,  
10 flocculation, dredge and disposal, or containment or treatment of  
11 nutrients, organic waste, and toxic material to restore the  
12 beneficial use of the state's land and water resources and prevent  
13 the continued pollution of these resources.

14 (5) "Planning" means the development of comprehensive plans for  
15 the purpose of identifying statewide or regional needs for specific  
16 waste disposal facilities as well as the development of plans  
17 specific to a particular project.

18 **Sec. 47.** RCW 43.131.421 and 2014 c 119 s 7 are each amended to  
19 read as follows:

20 The mercury-containing lights product stewardship program as  
21 established under chapter ((70.275)) 70A.505 RCW is terminated July  
22 1, 2025, as provided in RCW 43.131.422.

23 **Sec. 48.** RCW 43.131.422 and 2017 c 254 s 4 are each amended to  
24 read as follows:

25 The following acts or parts of acts, as now existing or hereafter  
26 amended, are each repealed, effective July 1, 2026:

27 (1) RCW ((70.275.010)) 70A.505.010 (Findings—Purpose) and 2010 c  
28 130 s 1;

29 (2) RCW ((70.275.020)) 70A.505.020 (Definitions) and 2014 c 119 s  
30 2 & 2010 c 130 s 2;

31 (3) RCW ((70.275.030)) 70A.505.030 (Product stewardship program)  
32 and 2014 c 119 s 3 & 2010 c 130 s 3;

33 (4) RCW ((70.275.040)) 70A.505.040 (Submission of proposed  
34 product stewardship plans—Department to establish rules—Public  
35 review—Plan update—Annual report) and 2017 c 254 s 2, 2014 c 119 s  
36 4, & 2010 c 130 s 4;

- 1 (5) RCW ((~~70.275.050~~)) 70A.505.050 (Financing the mercury-  
2 containing light recycling program) and 2017 c 254 s 1, 2014 c 119 s  
3 5, & 2010 c 130 s 5;
- 4 (6) RCW ((~~70.275.060~~)) 70A.505.060 (Collection and management of  
5 mercury) and 2010 c 130 s 6;
- 6 (7) RCW ((~~70.275.070~~)) 70A.505.070 (Collectors of unwanted  
7 mercury-containing lights—Duties) and 2010 c 130 s 7;
- 8 (8) RCW ((~~70.275.090~~)) 70A.505.090 (Producers must participate in  
9 an approved product stewardship program) and 2010 c 130 s 9;
- 10 (9) RCW ((~~70.275.100~~)) 70A.505.100 (Written warning—Penalty—  
11 Appeal) and 2010 c 130 s 10;
- 12 (10) RCW ((~~70.275.110~~)) 70A.505.110 (Department's web site to  
13 list producers participating in product stewardship plan—Required  
14 participation in a product stewardship plan—Written warning—Penalty  
15 —Rules—Exemptions) and 2010 c 130 s 11;
- 16 (11) RCW ((~~70.275.130~~)) 70A.505.120 (Product stewardship programs  
17 account) and 2017 c 254 s 3 & 2010 c 130 s 13;
- 18 (12) RCW ((~~70.275.140~~)) 70A.505.130 (Adoption of rules—Report to  
19 the legislature—Invitation to entities to comment on issues—Estimate  
20 of statewide recycling rate for mercury-containing lights—Mercury  
21 vapor barrier packaging) and 2010 c 130 s 14;
- 22 (13) RCW ((~~70.275.150~~)) 70A.505.140 (Application of chapter to  
23 the Washington utilities and transportation commission) and 2010 c  
24 130 s 15;
- 25 (14) RCW ((~~70.275.160~~)) 70A.505.150 (Application of chapter to  
26 entities regulated under chapter ((~~70.105~~)) 70A.300 RCW) and 2010 c  
27 130 s 16;
- 28 (15) RCW ((~~70.275.900~~)) 70A.505.900 (Chapter liberally construed)  
29 and 2010 c 130 s 17;
- 30 (16) RCW ((~~70.275.901~~)) 70A.505.901 (Severability—2010 c 130) and  
31 2010 c 130 s 21; and
- 32 (17) RCW ((~~70.275.170~~)) 70A.505.160 and 2014 c 119 s 6.

33 **Sec. 49.** RCW 43.155.070 and 2017 3rd sp.s. c 10 s 9 are each  
34 amended to read as follows:

35 (1) To qualify for financial assistance under this chapter the  
36 board must determine that a local government meets all of the  
37 following conditions:

1 (a) The city or county must be imposing a tax under chapter 82.46  
2 RCW at a rate of at least one-quarter of one percent;

3 (b) The local government must have developed a capital facility  
4 plan; and

5 (c) The local government must be using all local revenue sources  
6 which are reasonably available for funding public works, taking into  
7 consideration local employment and economic factors.

8 (2) Except where necessary to address a public health need or  
9 substantial environmental degradation, a county, city, or town  
10 planning under RCW 36.70A.040 may not receive financial assistance  
11 under this chapter unless it has adopted a comprehensive plan,  
12 including a capital facilities plan element, and development  
13 regulations as required by RCW 36.70A.040. This subsection does not  
14 require any county, city, or town planning under RCW 36.70A.040 to  
15 adopt a comprehensive plan or development regulations before  
16 requesting or receiving financial assistance under this chapter if  
17 such request is made before the expiration of the time periods  
18 specified in RCW 36.70A.040. A county, city, or town planning under  
19 RCW 36.70A.040 that has not adopted a comprehensive plan and  
20 development regulations within the time periods specified in RCW  
21 36.70A.040 may apply for and receive financial assistance under this  
22 chapter if the comprehensive plan and development regulations are  
23 adopted as required by RCW 36.70A.040 before executing a contractual  
24 agreement for financial assistance with the board.

25 (3) In considering awarding financial assistance for public  
26 facilities to special districts requesting funding for a proposed  
27 facility located in a county, city, or town planning under RCW  
28 36.70A.040, the board must consider whether the county, city, or town  
29 planning under RCW 36.70A.040 in whose planning jurisdiction the  
30 proposed facility is located has adopted a comprehensive plan and  
31 development regulations as required by RCW 36.70A.040.

32 (4) (a) The board must develop a process to prioritize  
33 applications and funding of loans and grants for public works  
34 projects submitted by local governments. The board must consider, at  
35 a minimum and in any order, the following factors in prioritizing  
36 projects:

37 (i) Whether the project is critical in nature and would affect  
38 the health and safety of many people;

39 (ii) The extent to which the project leverages other funds;

1 (iii) The extent to which the project is ready to proceed to  
2 construction;

3 (iv) Whether the project is located in an area of high  
4 unemployment, compared to the average state unemployment;

5 (v) Whether the project promotes the sustainable use of resources  
6 and environmental quality, as applicable;

7 (vi) Whether the project consolidates or regionalizes systems;

8 (vii) Whether the project encourages economic development through  
9 mixed-use and mixed income development consistent with chapter 36.70A  
10 RCW;

11 (viii) Whether the system is being well-managed in the present  
12 and for long-term sustainability;

13 (ix) Achieving equitable distribution of funds by geography and  
14 population;

15 (x) The extent to which the project meets the following state  
16 policy objectives:

17 (A) Efficient use of state resources;

18 (B) Preservation and enhancement of health and safety;

19 (C) Abatement of pollution and protection of the environment;

20 (D) Creation of new, family-wage jobs, and avoidance of shifting  
21 existing jobs from one Washington state community to another;

22 (E) Fostering economic development consistent with chapter 36.70A  
23 RCW;

24 (F) Efficiency in delivery of goods and services and  
25 transportation; and

26 (G) Reduction of the overall cost of public infrastructure;

27 (xi) Whether the applicant sought or is seeking funding for the  
28 project from other sources; and

29 (xii) Other criteria that the board considers necessary to  
30 achieve the purposes of this chapter.

31 (b) Before September 1, 2018, and each year thereafter, the board  
32 must develop and submit a report regarding the construction loans and  
33 grants to the office of financial management and appropriate fiscal  
34 committees of the senate and house of representatives. The report  
35 must include:

36 (i) The total number of applications and amount of funding  
37 requested for public works projects;

38 (ii) A list and description of projects approved in the preceding  
39 fiscal year with project scores against the board's prioritization  
40 criteria;

1 (iii) The total amount of loan and grants disbursements made from  
2 the public works assistance account in the preceding fiscal year;

3 (iv) The total amount of loan repayments in the preceding fiscal  
4 year for outstanding loans from the public works assistance account;

5 (v) The total amount of loan repayments due for outstanding loans  
6 for each fiscal year over the following ten-year period; and

7 (vi) The total amount of funds obligated and timing of when the  
8 funds were obligated in the preceding fiscal year.

9 (c) The maximum amount of funding that the board may provide for  
10 any jurisdiction is ten million dollars per biennium.

11 (5) Existing debt or financial obligations of local governments  
12 may not be refinanced under this chapter. Each local government  
13 applicant must provide documentation of attempts to secure additional  
14 local or other sources of funding for each public works project for  
15 which financial assistance is sought under this chapter.

16 (6) Before September 1st of each year, the board must develop and  
17 submit to the appropriate fiscal committees of the senate and house  
18 of representatives a description of the loans and grants made under  
19 RCW 43.155.065 and 43.155.068.

20 (7) The board may not sign contracts or otherwise financially  
21 obligate funds from the public works assistance account before the  
22 legislature has appropriated funds to the board for the purpose of  
23 funding public works projects under this chapter.

24 (8) To qualify for loans, grants, or pledges for solid waste or  
25 recycling facilities under this chapter, a city or county must  
26 demonstrate that the solid waste or recycling facility is consistent  
27 with and necessary to implement the comprehensive solid waste  
28 management plan adopted by the city or county under chapter ((70.95))  
29 70A.205 RCW.

30 (9) After January 1, 2010, any project designed to address the  
31 effects of stormwater or wastewater on Puget Sound may be funded  
32 under this section only if the project is not in conflict with the  
33 action agenda developed by the Puget Sound partnership under RCW  
34 90.71.310.

35 (10) For projects involving repair, replacement, or improvement  
36 of a wastewater treatment plant or other public works facility for  
37 which an investment grade efficiency audit is reasonably obtainable,  
38 the public works board must require as a contract condition that the  
39 project sponsor undertake an investment grade efficiency audit. The

1 project sponsor may finance the costs of the audit as part of its  
2 public works assistance account program loan or grant.

3 (11) The board must implement policies and procedures designed to  
4 maximize local government consideration of other funds to finance  
5 local infrastructure.

6 **Sec. 50.** RCW 46.16A.060 and 2014 c 216 s 207 and 2014 c 72 s 1  
7 are each reenacted and amended to read as follows:

8 (1) The department, county auditor or other agent, or subagent  
9 appointed by the director may not issue or renew a motor vehicle  
10 registration or change the registered owner of a registered vehicle  
11 for any motor vehicle required to be inspected under chapter  
12 (~~(70.120)~~) 70A.25 RCW, unless the application for issuance or renewal  
13 is: (a) Accompanied by a valid certificate of compliance or a valid  
14 certificate of acceptance issued as required under chapter (~~(70.120)~~)  
15 70A.25 RCW; or (b) exempt, as described in subsection (2) of this  
16 section. The certificates must have a date of validation that is  
17 within twelve months of the assigned registration renewal date.  
18 Certificates for fleet or owner tested diesel vehicles may have a  
19 date of validation that is within twelve months of the assigned  
20 registration renewal date.

21 (2) The following motor vehicles are exempt from emission test  
22 requirements:

23 (a) Motor vehicles that are less than five years old or more than  
24 twenty-five years old;

25 (b) Motor vehicles that are a 2009 model year or newer;

26 (c) Motor vehicles powered exclusively by electricity, propane,  
27 compressed natural gas, liquefied natural gas, or liquid petroleum  
28 gas;

29 (d) Motorcycles as defined in RCW 46.04.330 and motor-driven  
30 cycles as defined in RCW 46.04.332;

31 (e) Farm vehicles as defined in RCW 46.04.181;

32 (f) Street rod vehicles as defined in RCW 46.04.572 and custom  
33 vehicles as defined in RCW 46.04.161;

34 (g) Used vehicles that are offered for sale by a motor vehicle  
35 dealer licensed under chapter 46.70 RCW;

36 (h) Classes of motor vehicles exempted by the director of the  
37 department of ecology;

38 (i) Hybrid motor vehicles that obtain a rating by the  
39 environmental protection agency of at least fifty miles per gallon of

1 gas during city driving. For purposes of this section, a hybrid motor  
2 vehicle is one that uses propulsion units powered by both electricity  
3 and gas; and

4 (j) Collectible vehicles as defined in RCW 46.04.123.

5 (3) The department of ecology must provide information to motor  
6 vehicle owners:

7 (a) Regarding the boundaries of emission contributing areas and  
8 restrictions established under this section that apply to vehicles  
9 registered in such areas; and

10 (b) On the relationship between motor vehicles and air pollution  
11 and steps motor vehicle owners should take to reduce motor vehicle  
12 related air pollution.

13 (4) The department of licensing must:

14 (a) Notify all registered motor vehicle owners affected by the  
15 emission testing program that they must have an emission test to  
16 renew their registration;

17 (b) Adopt rules implementing and enforcing this section, except  
18 for subsection (2)(e) of this section, as specified in chapter 34.05  
19 RCW.

20 (5) A motor vehicle may not be registered, leased, rented, or  
21 sold for use in the state, starting with the model year as provided  
22 in RCW (~~(70.120A.010)~~) 70A.30.010, unless the vehicle:

23 (a) Has seven thousand five hundred miles or more; or

24 (b)(i) Is consistent with the vehicle emission standards and  
25 carbon dioxide equivalent emission standards adopted by the  
26 department of ecology; and

27 (ii) Has a California certification label for all emission  
28 standards, and carbon dioxide equivalent emission standards necessary  
29 to meet fleet average requirements.

30 (6) The department of licensing, in consultation with the  
31 department of ecology, may adopt rules necessary to implement this  
32 section and may provide for reasonable exemptions to these  
33 requirements. The department of ecology may exempt public safety  
34 vehicles from meeting the standards where the department finds that  
35 vehicles necessary to meet the needs of public safety agencies are  
36 not otherwise reasonably available.

37 **Sec. 51.** RCW 46.37.470 and 2011 c 224 s 1 are each amended to  
38 read as follows:

1 (1) "Air conditioning equipment," as used or referred to in this  
2 section, means mechanical vapor compression refrigeration equipment  
3 that is used to cool the driver's or passenger compartment of any  
4 motor vehicle.

5 (2) Air conditioning equipment must be manufactured, installed,  
6 and maintained with due regard for the safety of the occupants of the  
7 vehicle and the public. Air conditioning equipment may not contain  
8 any refrigerant that is toxic to persons or that is flammable, unless  
9 the refrigerant is allowed under the department of ecology's motor  
10 vehicle emission standards adopted under RCW ((70.120A.010))  
11 70A.30.010.

12 (3) The state patrol may enforce safety requirements,  
13 regulations, and specifications consistent with the requirements of  
14 this section applicable to air conditioning equipment which must  
15 correlate with and, so far as possible, conform to the current  
16 recommended practice or standard applicable to air conditioning  
17 equipment approved by the society of automotive engineers.

18 (4) A person may not sell or equip, for use in this state, a new  
19 motor vehicle with any air conditioning equipment unless it complies  
20 with the requirements of this section.

21 (5) A person may not register or license for use on any highway  
22 any new motor vehicle equipped with any air conditioning equipment  
23 unless the equipment complies with the requirements of this section.

24 **Sec. 52.** RCW 46.55.230 and 2002 c 279 s 13 are each amended to  
25 read as follows:

26 (1)(a) Notwithstanding any other provision of law, any law  
27 enforcement officer having jurisdiction, or any employee or officer  
28 of a jurisdictional health department acting pursuant to RCW  
29 ((70.95.240)) 70A.205.195, or any person authorized by the director  
30 shall inspect and may authorize the disposal of an abandoned junk  
31 vehicle. The person making the inspection shall record the make and  
32 vehicle identification number or license number of the vehicle if  
33 available, and shall also verify that the approximate value of the  
34 junk vehicle is equivalent only to the approximate value of the  
35 parts.

36 (b) A tow truck operator may authorize the disposal of an  
37 abandoned junk vehicle if the vehicle has been abandoned two or more  
38 times, the registered ownership information has not changed since the  
39 first abandonment, and the registered owner is also the legal owner.



1 (2) The law enforcement officer or department representative  
2 shall provide information on the vehicle's registered and legal owner  
3 to the landowner.

4 (3) Upon receiving information on the vehicle's registered and  
5 legal owner, the landowner shall mail a notice to the registered and  
6 legal owners shown on the records of the department. The notification  
7 shall describe the redemption procedure and the right to arrange for  
8 the removal of the vehicle.

9 (4) If the vehicle remains unclaimed more than fifteen days after  
10 the landowner has mailed notification to the registered and legal  
11 owner, the landowner may dispose of the vehicle or sign an affidavit  
12 of sale to be used as a title document.

13 (5) If no information on the vehicle's registered and legal owner  
14 is found in the records of the department, the landowner may  
15 immediately dispose of the vehicle or sign an affidavit of sale to be  
16 used as a title document.

17 (6) It is a gross misdemeanor for a person to abandon a junk  
18 vehicle on property. If a junk vehicle is abandoned, the vehicle's  
19 registered owner shall also pay a cleanup restitution payment equal  
20 to twice the costs incurred in the removal of the junk vehicle. The  
21 court shall distribute one-half of the restitution payment to the  
22 landowner of the property upon which the junk vehicle is located, and  
23 one-half of the restitution payment to the law enforcement agency or  
24 jurisdictional health department investigating the incident.

25 (7) For the purposes of this section, the term "landowner"  
26 includes a legal owner of private property, a person with possession  
27 or control of private property, or a public official having  
28 jurisdiction over public property.

29 (8) A person complying in good faith with the requirements of  
30 this section is immune from any liability arising out of an action  
31 taken or omission made in the compliance.

32 **Sec. 53.** RCW 46.80.020 and 2018 c 287 s 8 are each amended to  
33 read as follows:

34 (1)(a) Except as provided in (b) of this subsection, it is  
35 unlawful for a person to engage in the business of wrecking vehicles  
36 without having first applied for and received a license.

37 (b) As defined in chapter (~~70-95~~) 70A.205 RCW, a solid waste  
38 disposal site that is compliant with all applicable regulations may

1 wreck a nonmotorized abandoned recreational vehicle, as defined in  
2 RCW 46.53.010.

3 (2) (a) Except as provided in (b) of this subsection, a person or  
4 firm engaged in the unlawful activity described in this section is  
5 guilty of a gross misdemeanor.

6 (b) A second or subsequent offense is a class C felony punishable  
7 according to chapter 9A.20 RCW.

8 **Sec. 54.** RCW 47.01.475 and 2013 c 291 s 14 are each amended to  
9 read as follows:

10 (1) Following the inspection required under RCW 47.01.470 and  
11 prior to transferring ownership of a department-owned vessel, the  
12 department shall obtain the following from the transferee:

13 (a) The purposes for which the transferee intends to use the  
14 vessel; and

15 (b) Information demonstrating the prospective owner's intent to  
16 obtain legal moorage following the transfer, in the manner determined  
17 by the department.

18 (2) (a) The department shall remove any containers or other  
19 materials that are not fixed to the vessel and contain hazardous  
20 substances, as defined under RCW (~~70.105D.020~~) 70A.305.020.

21 (b) However, the department may transfer a vessel with:

22 (i) Those containers or materials described under (a) of this  
23 subsection where the transferee demonstrates to the department's  
24 satisfaction that the container's or material's presence is  
25 consistent with the anticipated use of the vessel; and

26 (ii) A reasonable amount of fuel as determined by the department,  
27 based on factors including the vessel's size, condition, and  
28 anticipated use of the vessel, including initial destination  
29 following transfer.

30 (c) The department may consult with the department of ecology in  
31 carrying out the requirements of this subsection.

32 (3) Prior to sale, and unless the vessel has a title or valid  
33 marine document, the department is required to apply for a  
34 certificate of title for the vessel under RCW 88.02.510 and register  
35 the vessel under RCW 88.02.550.

36 **Sec. 55.** RCW 47.28.220 and 1996 c 198 s 4 are each amended to  
37 read as follows:

1 (1) A contract awarded in whole or in part for the purchase of  
2 compost products as a soil cover or soil amendment to state highway  
3 rights-of-way shall specify that compost products be purchased in  
4 accordance with the following schedule:

5 (a) For the period July 1, 1996, through June 30, 1997, twenty-  
6 five percent of the total dollar amount purchased;

7 (b) For the period July 1, 1998, through June 30, 1999, fifty  
8 percent of the total dollar amount purchased. The percentages in this  
9 subsection apply to the materials' value and include services or  
10 other materials.

11 (2) In order to carry out the provisions of this section, the  
12 department of transportation shall develop and adopt bid  
13 specifications for compost products used in state highway  
14 construction projects.

15 (3)(a) For purposes of this section, "compost products" means  
16 mulch, soil amendments, ground cover, or other landscaping material  
17 derived from the biological or mechanical conversion of biosolids or  
18 cellulose-containing waste materials.

19 (b) For purposes of this section, "biosolids" means municipal  
20 sewage sludge or septic tank septage sludge that meets the  
21 requirements of chapter (~~70.95J~~) 70A.226 RCW.

22 **Sec. 56.** RCW 49.17.270 and 1973 c 80 s 27 are each amended to  
23 read as follows:

24 The department shall be the sole and paramount administrative  
25 agency responsible for the administration of the provisions of this  
26 chapter, and any other agency of the state or any municipal  
27 corporation or political subdivision of the state having  
28 administrative authority over the inspection, survey, investigation,  
29 or any regulatory or enforcement authority of safety and health  
30 standards related to the health and safety of employees in any  
31 workplace subject to this chapter, shall be required, notwithstanding  
32 any statute to the contrary, to exercise such authority as provided  
33 in this chapter and subject to interagency agreement or agreements  
34 with the department made under the authority of the interlocal  
35 cooperation act (chapter 39.34 RCW) relative to the procedures to be  
36 followed in the enforcement of this chapter: PROVIDED, That in  
37 relation to employers using or possessing sources of ionizing  
38 radiation the department of labor and industries and the department  
39 of social and health services shall agree upon mutual policies,

1 rules, and regulations compatible with policies, rules, and  
2 regulations adopted pursuant to chapter ((70.98)) 70A.388 RCW insofar  
3 as such policies, rules, and regulations are not inconsistent with  
4 the provisions of this chapter.

5 **Sec. 57.** RCW 49.70.175 and 1985 c 410 s 5 are each amended to  
6 read as follows:

7 Funds in the worker and community right to know fund established  
8 under RCW 49.70.170 may be spent by the department of ecology to  
9 implement RCW ((70.102.020)) 70A.415.020 (1) through (3) following  
10 legislative appropriation. Disbursements from the fund shall be on  
11 authorization of the director of the department of ecology.

12 **Sec. 58.** RCW 52.12.150 and 2000 c 199 s 1 are each amended to  
13 read as follows:

14 Without obtaining a permit issued under RCW ((70.94.650))  
15 70A.15.5090, fire protection district firefighters may set fire to  
16 structures located outside of urban growth areas in counties that  
17 plan under the requirements of RCW 36.70A.040, and outside of any  
18 city with a population of ten thousand or more in all other counties,  
19 for instruction in methods of firefighting, if all of the following  
20 conditions are met:

21 (1) In consideration of prevailing air patterns, the fire is  
22 unlikely to cause air pollution in areas of sensitivity downwind of  
23 the proposed fire location;

24 (2) The fire is not located in an area that is declared to be in  
25 an air pollution episode or any stage of an impaired air quality as  
26 defined in RCW ((70.94.715 and 70.94.473)) 70A.15.6010 and  
27 70A.15.3580;

28 (3) Nuisance laws are applicable to the fire, including nuisances  
29 related to the unreasonable interference with the enjoyment of life  
30 and property and the depositing of particulate matter or ash on other  
31 property;

32 (4) Notice of the fire is provided to the owners of property  
33 adjoining the property on which the fire will occur, to other persons  
34 who potentially will be impacted by the fire, and to additional  
35 persons in a broader manner as specifically requested by the local  
36 air pollution control agency or the department of ecology;

37 (5) Each structure that is proposed to be set on fire must be  
38 identified specifically as a structure to be set on fire. Each other

1 structure on the same parcel of property that is not proposed to be  
2 set on fire must be identified specifically as a structure not to be  
3 set on fire; and

4 (6) Before setting a structure on fire, a good-faith inspection  
5 is conducted by the fire agency or fire protection district  
6 conducting the training fire to determine if materials containing  
7 asbestos are present, the inspection is documented in writing and  
8 forwarded to the appropriate local air authority or the department of  
9 ecology if there is no local air authority, and asbestos that is  
10 found is removed as required by state and federal laws.

11 **Sec. 59.** RCW 53.08.470 and 2013 c 291 s 22 are each amended to  
12 read as follows:

13 (1) Following the inspection required under RCW 53.08.460 and  
14 prior to transferring ownership of a port district-owned vessel, a  
15 port district shall obtain the following from the transferee:

16 (a) The purposes for which the transferee intends to use the  
17 vessel; and

18 (b) Information demonstrating the prospective owner's intent to  
19 obtain legal moorage following the transfer, in the manner determined  
20 by the port district.

21 (2)(a) The port district shall remove any containers or other  
22 materials that are not fixed to the vessel and contain hazardous  
23 substances, as defined under RCW (~~70.105D.020~~) 70A.305.020.

24 (b) However, the port district may transfer a vessel with:

25 (i) Those containers or materials described under (a) of this  
26 subsection where the transferee demonstrates to the port district's  
27 satisfaction that the container's or material's presence is  
28 consistent with the anticipated use of the vessel; and

29 (ii) A reasonable amount of fuel as determined by the port  
30 district, based on factors including the vessel's size, condition,  
31 and anticipated use of the vessel including initial destination  
32 following transfer.

33 (c) The port district may consult with the department of ecology  
34 in carrying out the requirements of this subsection.

35 (3) Prior to sale, and unless the vessel has a title or valid  
36 marine document, the port district is required to apply for a  
37 certificate of title for the vessel under RCW 88.02.510 and register  
38 the vessel under RCW 88.02.550.

1       **Sec. 60.** RCW 54.04.092 and 1986 c 244 s 14 are each amended to  
2 read as follows:

3       RCW 54.04.070 through 54.04.090 shall not apply to agreements  
4 entered into under authority of chapter ((70.150)) 70A.140 RCW  
5 provided there is compliance with the procurement procedure under RCW  
6 ((70.150.040)) 70A.140.040.

7       **Sec. 61.** RCW 57.08.017 and 1996 c 230 s 321 are each amended to  
8 read as follows:

9       RCW 57.08.015, 57.08.016, 57.08.050, and 57.08.120 shall not  
10 apply to agreements entered into under authority of chapter  
11 ((70.150)) 70A.140 RCW if there is compliance with the procurement  
12 procedure under RCW ((70.150.040)) 70A.140.040.

13       **Sec. 62.** RCW 64.44.010 and 2017 c 115 s 2 are each amended to  
14 read as follows:

15       The words and phrases defined in this section shall have the  
16 following meanings when used in this chapter unless the context  
17 clearly indicates otherwise.

18       (1) "Authorized contractor" means a person who decontaminates,  
19 demolishes, or disposes of contaminated property as required by this  
20 chapter who is certified by the department as provided for in RCW  
21 64.44.060.

22       (2) "Contaminated" or "contamination" means polluted by hazardous  
23 chemicals so that the property is unfit for human habitation or use  
24 due to immediate or long-term hazards. Property that at one time was  
25 contaminated but has been satisfactorily decontaminated according to  
26 procedures established by the state board of health is not  
27 "contaminated."

28       (3) "Department" means the department of health.

29       (4) "Hazardous chemicals" means:

30       (a) Methamphetamine in amounts exceeding the decontamination  
31 standards set by the department when found in transient  
32 accommodations such as hotels, motels, bed and breakfasts, resorts,  
33 inns, crisis shelters, hostels, and retreats that are regulated by  
34 the department; and

35       (b) The following substances associated with the illegal  
36 manufacture of controlled substances: (i) Hazardous substances as  
37 defined in RCW ((70.105D.020)) 70A.305.020; (ii) precursor substances  
38 as defined in RCW 69.43.010 which the state board of health, in

1 consultation with the pharmacy quality assurance commission, has  
2 determined present an immediate or long-term health hazard to humans;  
3 and (iii) the controlled substance or substances being manufactured,  
4 as defined in RCW 69.50.101.

5 (5) "Officer" means a local health officer authorized under  
6 chapters 70.05, 70.08, and 70.46 RCW.

7 (6) "Property" means any real or personal property, or segregable  
8 part thereof, that is involved in or affected by the unauthorized  
9 manufacture, distribution, storage, or use of hazardous chemicals.  
10 This includes but is not limited to single-family residences, units  
11 of multiplexes, condominiums, apartment buildings, transient  
12 accommodations, boats, motor vehicles, trailers, manufactured  
13 housing, any shop, booth, garden, or storage shed, and all contents  
14 of the items referenced in this subsection.

15 **Sec. 63.** RCW 69.07.170 and 1992 c 34 s 1 are each amended to  
16 read as follows:

17 As used in RCW 69.07.180 and 69.07.190:

18 (1) "Artesian water" means bottled water from a well tapping a  
19 confined aquifer in which the water level stands above the water  
20 table. "Artesian water" shall meet the requirements of "natural  
21 water."

22 (2) "Bottled water" means water that is placed in a sealed  
23 container or package and is offered for sale for human consumption or  
24 other consumer uses.

25 (3) "Carbonated water" or "sparkling water" means bottled water  
26 containing carbon dioxide.

27 (4) "Department" means the department of agriculture.

28 (5) "Distilled water" means bottled water that has been produced  
29 by a process of distillation and meets the definition of purified  
30 water in the most recent edition of the United States Pharmacopeia.

31 (6) "Drinking water" means bottled water obtained from an  
32 approved source that has at minimum undergone treatment consisting of  
33 filtration, activated carbon or particulate, and ozonization or an  
34 equivalent disinfection process, or that meets the requirements of  
35 the federal safe drinking water act of 1974 as amended and complies  
36 with all department of health rules regarding drinking water.

37 (7) "Mineral water" means bottled water that contains not less  
38 than five hundred parts per million total dissolved solids. "Natural  
39 mineral water" shall meet the requirements of "natural water."

1 (8) "Natural water" means bottled spring, mineral, artesian, or  
2 well water that is derived from an underground formation and may be  
3 derived from a public water system as defined in RCW ((70.119A.020))  
4 70A.125.010 only if that supply has a single source such as an actual  
5 spring, artesian well, or pumped well, and has not undergone any  
6 treatment that changes its original chemical makeup except  
7 ozonization or an equivalent disinfection process.

8 (9) "Plant operator" means a person who owns or operates a  
9 bottled water plant.

10 (10) "Purified water" means bottled water produced by  
11 distillation, deionization, reverse osmosis, or other suitable  
12 process and that meets the definition of purified water in the most  
13 recent edition of the United States Pharmacopeia. Water that meets  
14 this definition and is vaporized, then condensed, may be labeled  
15 "distilled water."

16 (11) "Spring water" means water derived from an underground  
17 formation from which water flows naturally to the surface of the  
18 earth. "Spring water" shall meet the requirements of "natural water."

19 (12) "Water dealer" means a person who imports bottled water or  
20 causes bulk water to be transported for bottling for human  
21 consumption or other consumer uses.

22 (13) "Well water" means water from a hole bored, drilled, or  
23 otherwise constructed in the ground that taps the water of an  
24 aquifer. "Well water" shall meet the requirements of "natural water."

25 **Sec. 64.** RCW 69.48.060 and 2018 c 196 s 6 are each amended to  
26 read as follows:

27 (1)(a) At least one hundred twenty days prior to submitting a  
28 proposal under RCW 69.48.050, a program operator must notify  
29 potential authorized collectors of the opportunity to serve as an  
30 authorized collector for the proposed drug take-back program. A  
31 program operator must commence good faith negotiations with a  
32 potential authorized collector no later than thirty days after the  
33 potential authorized collector expresses interest in participating in  
34 a proposed program.

35 (b) A person or entity may serve as an authorized collector for a  
36 drug take-back program voluntarily or in exchange for compensation,  
37 but nothing in this chapter requires a person or entity to serve as  
38 an authorized collector.



1 (c) A drug take-back program must include as an authorized  
2 collector any retail pharmacy, hospital or clinic with an on-site  
3 pharmacy, or law enforcement agency that offers to participate in the  
4 program without compensation and meets the requirements of subsection  
5 (2) of this section. Such a pharmacy, hospital, clinic, or law  
6 enforcement agency must be included as an authorized collector in the  
7 program no later than ninety days after receiving the offer to  
8 participate.

9 (d) A drug take-back program may also locate collection sites at:

10 (i) A long-term care facility where a pharmacy, or a hospital or  
11 clinic with an on-site pharmacy, operates a secure collection  
12 receptacle;

13 (ii) A substance use disorder treatment program, as defined in  
14 RCW 71.24.025; or

15 (iii) Any other authorized collector willing to participate as a  
16 collection site and able to meet the requirements of subsection (2)  
17 of this section.

18 (2)(a) A collection site must accept all covered drugs from  
19 covered entities during the hours that the authorized collector is  
20 normally open for business with the public.

21 (b) A collection site located at a long-term care facility may  
22 only accept covered drugs that are in the possession of individuals  
23 who reside or have resided at the facility.

24 (c) A collection site must use secure collection receptacles in  
25 compliance with state and federal law, including any applicable on-  
26 site storage and collection standards adopted by rule pursuant to  
27 chapter (~~70.95 or 70.105~~) 70A.205 or 70A.300 RCW and United States  
28 drug enforcement administration regulations. The program operator  
29 must provide a service schedule that meets the needs of each  
30 collection site to ensure that each secure collection receptacle is  
31 serviced as often as necessary to avoid reaching capacity and that  
32 collected covered drugs are transported to final disposal in a timely  
33 manner, including a process for additional prompt collection service  
34 upon notification from the collection site. Secure collection  
35 receptacle signage must prominently display a toll-free telephone  
36 number and web site for the program so that members of the public may  
37 provide feedback on collection activities.

38 (d) An authorized collector must comply with applicable  
39 provisions of chapters (~~70.95 and 70.105~~) 70A.205 and 70A.300 RCW,  
40 including rules adopted pursuant to those chapters that establish

1 collection and transportation standards, and federal laws and  
2 regulations governing the handling of covered drugs, including United  
3 States drug enforcement administration regulations.

4 (3) (a) A drug take-back program's collection system must be safe,  
5 secure, and convenient on an ongoing, year-round basis and must  
6 provide equitable and reasonably convenient access for residents  
7 across the state.

8 (b) In establishing and operating a collection system, a program  
9 operator must give preference to locating collection sites at retail  
10 pharmacies, hospitals or clinics with on-site pharmacies, and law  
11 enforcement agencies.

12 (c) (i) Each population center must have a minimum of one  
13 collection site, plus one additional collection site for every fifty  
14 thousand residents of the city or town located within the population  
15 center. Collection sites must be geographically distributed to  
16 provide reasonably convenient and equitable access to all residents  
17 of the population center.

18 (ii) On islands and in areas outside of population centers, a  
19 collection site must be located at the site of each potential  
20 authorized collector that is regularly open to the public, unless the  
21 program operator demonstrates to the satisfaction of the department  
22 that a potential authorized collector is unqualified or unwilling to  
23 participate in the drug take-back program, in accordance with the  
24 requirements of subsection (1) of this section.

25 (iii) For purposes of this section, "population center" means a  
26 city or town and the unincorporated area within a ten-mile radius  
27 from the center of the city or town.

28 (d) A program operator must establish mail-back distribution  
29 locations or hold periodic collection events to supplement service to  
30 any area of the state that is underserved by collection sites, as  
31 determined by the department, in consultation with the local health  
32 jurisdiction. The program operator, in consultation with the  
33 department, local law enforcement, the local health jurisdiction, and  
34 the local community, must determine the number and locations of mail-  
35 back distribution locations or the frequency and location of these  
36 collections events, to be held at least twice a year, unless  
37 otherwise determined through consultation with the local community.  
38 The program must arrange any periodic collection events in advance  
39 with local law enforcement agencies and conduct periodic collection

1 events in compliance with United States drug enforcement  
2 administration regulations and protocols and applicable state laws.

3 (e) Upon request, a drug take-back program must provide a mail-  
4 back program free of charge to covered entities and to retail  
5 pharmacies that offer to distribute prepaid, preaddressed mailing  
6 envelopes for the drug take-back program. A drug take-back program  
7 must permit covered entities to request prepaid, preaddressed mailing  
8 envelopes through the program's web site, the program's toll-free  
9 telephone number, and a request to a pharmacist at a retail pharmacy  
10 distributing the program's mailing envelopes.

11 (f) The program operator must provide alternative collection  
12 methods for any covered drugs, other than controlled substances, that  
13 cannot be accepted or commingled with other covered drugs in secure  
14 collection receptacles, through a mail-back program, or at periodic  
15 collection events, to the extent permissible under applicable state  
16 and federal laws. The department shall review and approve of any  
17 alternative collection methods prior to their implementation.

18 **Sec. 65.** RCW 69.50.511 and 2007 c 104 s 17 are each amended to  
19 read as follows:

20 Law enforcement agencies who during the official investigation or  
21 enforcement of any illegal drug manufacturing facility come in  
22 contact with or are aware of any substances suspected of being  
23 hazardous as defined in RCW (~~(70.105D.020)~~) 70A.305.020, shall notify  
24 the department of ecology for the purpose of securing a contractor to  
25 identify, clean up, store, and dispose of suspected hazardous  
26 substances, except for those random and representative samples  
27 obtained for evidentiary purposes. Whenever possible, a destruct  
28 order covering hazardous substances which may be described in general  
29 terms shall be obtained concurrently with a search warrant. Materials  
30 that have been photographed, fingerprinted, and subsampled by police  
31 shall be destroyed as soon as practical. The department of ecology  
32 shall make every effort to recover costs from the parties responsible  
33 for the suspected hazardous substance. All recoveries shall be  
34 deposited in the account or fund from which contractor payments are  
35 made.

36 The department of ecology may adopt rules to carry out its  
37 responsibilities under this section. The department of ecology shall  
38 consult with law enforcement agencies prior to adopting any rule or  
39 policy relating to this section.

1       **Sec. 66.** RCW 69.55.020 and 2002 c 133 s 2 are each amended to  
2 read as follows:

3       A person is guilty of the crime of unlawful storage of ammonia if  
4 the person possesses, transports, or delivers pressurized ammonia gas  
5 or pressurized ammonia gas solution in a container that (1) is not  
6 approved by the United States department of transportation to hold  
7 ammonia, or (2) was not constructed to meet state and federal  
8 industrial health and safety standards for holding ammonia. Violation  
9 of this section is a class C felony.

10       This section does not apply to public employees or private  
11 contractors authorized to clean up and dispose of hazardous waste or  
12 toxic substances under chapter ((70.105 or 70.105D)) 70A.300 or  
13 70A.305 RCW or to solid waste haulers and their employees who  
14 unknowingly possess, transport, or deliver pressurized ammonia gas or  
15 pressurized ammonia gas solution during the course of the performance  
16 of their duties.

17       **Sec. 67.** RCW 70.79.090 and 2012 c 10 s 49 are each amended to  
18 read as follows:

19       The following boilers and unfired pressure vessels shall be  
20 exempt from the requirements of RCW 70.79.220 and 70.79.240 through  
21 70.79.330:

22       (1) Boilers or unfired pressure vessels located on farms and used  
23 solely for agricultural purposes;

24       (2) Unfired pressure vessels that are part of fertilizer  
25 applicator rigs designed and used exclusively for fertilization in  
26 the conduct of agricultural operations;

27       (3) Steam boilers used exclusively for heating purposes carrying  
28 a pressure of not more than fifteen pounds per square inch gauge and  
29 which are located in private residences or in apartment houses of  
30 less than six families;

31       (4) Hot water heating boilers carrying a pressure of not more  
32 than thirty pounds per square inch and which are located in private  
33 residences or in apartment houses of less than six families;

34       (5) Approved pressure vessels (hot water heaters, hot water  
35 storage tanks, hot water supply boilers, and hot water heating  
36 boilers listed by a nationally recognized testing agency), with  
37 approved safety devices including a pressure relief valve, with a  
38 nominal water containing capacity of one hundred twenty gallons or  
39 less having a heat input of two hundred thousand b.t.u.'s per hour or

1 less, at pressure of one hundred sixty pounds per square inch or  
2 less, and at temperatures of two hundred ten degrees Fahrenheit or  
3 less: PROVIDED, HOWEVER, That such pressure vessels are not installed  
4 in schools, child care centers, public and private hospitals, nursing  
5 homes, assisted living facilities, churches, public buildings owned  
6 or leased and maintained by the state or any political subdivision  
7 thereof, and assembly halls;

8 (6) Unfired pressure vessels containing only water under pressure  
9 for domestic supply purposes, including those containing air, the  
10 compression of which serves only as a cushion or airlift pumping  
11 systems, when located in private residences or in apartment houses of  
12 less than six families, or in public water systems as defined in RCW  
13 (~~70.119.020~~) 70A.120.020;

14 (7) Unfired pressure vessels containing liquefied petroleum  
15 gases.

16 **Sec. 68.** RCW 70.290.050 and 2010 c 174 s 5 are each amended to  
17 read as follows:

18 (1) The board of the association shall establish a committee for  
19 the purposes of developing recommendations to the board regarding  
20 selection of vaccines to be purchased in each upcoming year by the  
21 department. The committee must be composed of at least five voting  
22 board members, including at least three health carrier or third-party  
23 administrator members, one physician, and the secretary or the  
24 secretary's designee. The committee must also include a  
25 representative of vaccine manufacturers, who is a nonvoting member of  
26 the committee. The representative of vaccine manufacturers must be  
27 chosen by the secretary from a list of three nominees submitted  
28 collectively by vaccine manufacturers on an annual basis.

29 (2) In selecting vaccines to purchase, the following factors  
30 should be strongly considered by the committee: Patient safety and  
31 clinical efficacy, public health and purchaser value, compliance with  
32 RCW (~~70.95M.115~~) 70A.230.120, patient and provider choice, and  
33 stability of vaccine supply.

34 **Sec. 69.** RCW 70.345.010 and 2019 c 445 s 210 and 2019 c 15 s 4  
35 are each reenacted and amended to read as follows:

36 The definitions in this section apply throughout this chapter  
37 unless the context clearly requires otherwise.

38 (1) "Board" means the Washington state liquor and cannabis board.

1 (2) "Business" means any trade, occupation, activity, or  
2 enterprise engaged in for the purpose of selling or distributing  
3 vapor products in this state.

4 (3) "Child care facility" has the same meaning as provided in RCW  
5 (~~70.140.020~~) 70A.320.020.

6 (4) "Closed system nicotine container" means a sealed, prefilled,  
7 and disposable container of nicotine in a solution or other form in  
8 which such container is inserted directly into an electronic  
9 cigarette, electronic nicotine delivery system, or other similar  
10 product, if the nicotine in the container is inaccessible through  
11 customary or reasonably foreseeable handling or use, including  
12 reasonably foreseeable ingestion or other contact by children.

13 (5) "Delivery sale" means any sale of a vapor product to a  
14 purchaser in this state where either:

15 (a) The purchaser submits the order for such sale by means of a  
16 telephonic or other method of voice transmission, the mails or any  
17 other delivery service, or the internet or other online service; or

18 (b) The vapor product is delivered by use of the mails or of a  
19 delivery service. The foregoing sales of vapor products constitute a  
20 delivery sale regardless of whether the seller is located within or  
21 without this state. "Delivery sale" does not include a sale of any  
22 vapor product not for personal consumption to a retailer.

23 (6) "Delivery seller" means a person who makes delivery sales.

24 (7) "Distributor" has the same meaning as in RCW 82.25.005.

25 (8) "Liquid nicotine container" means a package from which  
26 nicotine in a solution or other form is accessible through normal and  
27 foreseeable use by a consumer and that is used to hold soluble  
28 nicotine in any concentration. "Liquid nicotine container" does not  
29 include closed system nicotine containers.

30 (9) "Manufacturer" means a person who manufactures and sells  
31 vapor products.

32 (10) "Person" means any individual, receiver, administrator,  
33 executor, assignee, trustee in bankruptcy, trust, estate, firm,  
34 copartnership, joint venture, club, company, joint stock company,  
35 business trust, municipal corporation, the state and its departments  
36 and institutions, political subdivision of the state of Washington,  
37 corporation, limited liability company, association, society, any  
38 group of individuals acting as a unit, whether mutual, cooperative,  
39 fraternal, nonprofit, or otherwise.

1 (11) "Place of business" means any place where vapor products are  
2 sold or where vapor products are manufactured, stored, or kept for  
3 the purpose of sale.

4 (12) "Playground" means any public improved area designed,  
5 equipped, and set aside for play of six or more children which is not  
6 intended for use as an athletic playing field or athletic court,  
7 including but not limited to any play equipment, surfacing, fencing,  
8 signs, internal pathways, internal land forms, vegetation, and  
9 related structures.

10 (13) "Retail outlet" means each place of business from which  
11 vapor products are sold to consumers.

12 (14) "Retailer" means any person engaged in the business of  
13 selling vapor products to ultimate consumers.

14 (15)(a) "Sale" means any transfer, exchange, or barter, in any  
15 manner or by any means whatsoever, for a consideration, and includes  
16 and means all sales made by any person.

17 (b) The term "sale" includes a gift by a person engaged in the  
18 business of selling vapor products, for advertising, promoting, or as  
19 a means of evading the provisions of this chapter.

20 (16) "School" has the same meaning as provided in RCW  
21 (~~70.140.020~~) 70A.320.020.

22 (17) "Self-service display" means a display that contains vapor  
23 products and is located in an area that is openly accessible to  
24 customers and from which customers can readily access such products  
25 without the assistance of a salesperson. A display case that holds  
26 vapor products behind locked doors does not constitute a self-service  
27 display.

28 (18) "Vapor product" means any noncombustible product that may  
29 contain nicotine and that employs a heating element, power source,  
30 electronic circuit, or other electronic, chemical, or mechanical  
31 means, regardless of shape or size, that can be used to produce vapor  
32 or aerosol from a solution or other substance.

33 (a) "Vapor product" includes any electronic cigarette, electronic  
34 cigar, electronic cigarillo, electronic pipe, or similar product or  
35 device and any vapor cartridge or other container that may contain  
36 nicotine in a solution or other form that is intended to be used with  
37 or in an electronic cigarette, electronic cigar, electronic  
38 cigarillo, electronic pipe, or similar product or device.

1 (b) "Vapor product" does not include any product that meets the  
2 definition of marijuana, useable marijuana, marijuana concentrates,  
3 marijuana-infused products, cigarette, or tobacco products.

4 (c) For purposes of this subsection (18), "marijuana," "useable  
5 marijuana," "marijuana concentrates," and "marijuana-infused  
6 products" have the same meaning as provided in RCW 69.50.101.

7 **Sec. 70.** RCW 70A.45.090 and 2020 c 120 s 3 are each amended to  
8 read as follows:

9 (1)(a) Washington's existing forest products sector, including  
10 public and private working forests and the harvesting,  
11 transportation, and manufacturing sectors that enable working forests  
12 to remain on the land and the state to be a global supplier of forest  
13 products, is, according to a University of Washington study analyzing  
14 the global warming mitigating role of wood products from Washington's  
15 private forests, an industrial sector that currently operates as a  
16 significant net sequesterer of carbon. This value, which is only  
17 provided through the maintenance of an intact and synergistic  
18 industrial sector, is an integral component of the state's  
19 contribution to the global climate response and efforts to mitigate  
20 carbon emissions.

21 (b) Satisfying the goals set forth in RCW (~~(70.235.020)~~)  
22 70A.45.020 requires supporting, throughout all of state government,  
23 consistent with other laws and mandates of the state, the economic  
24 vitality of the sustainable forest products sector and other business  
25 sectors capable of sequestering and storing carbon. This includes  
26 support for working forests of all sizes, ownerships, and management  
27 objectives, and the necessary manufacturing sectors that support the  
28 transformation of stored carbon into long-lived forest products while  
29 maintaining and enhancing the carbon mitigation benefits of the  
30 forest sector, sustaining rural communities, and providing for fish,  
31 wildlife, and clean water, as provided in chapter 76.09 RCW. Support  
32 for the forest sector also ensures the state's public and private  
33 working forests avoid catastrophic wildfire and other similar  
34 disturbances and avoid conversion in the face of unprecedented  
35 conversion pressures.

36 (c) It is the policy of the state to support the contributions of  
37 all working forests and the synergistic forest products sector to the  
38 state's climate response. This includes landowners, mills, bioenergy,  
39 pulp and paper, and the related harvesting and transportation



1 infrastructure that is necessary for forestland owners to continue  
2 the rotational cycle of carbon capture and sequestration in growing  
3 trees and allows forest products manufacturers to store the captured  
4 carbon in wood products and maintain and enhance the forest sector's  
5 role in mitigating a significant percentage of the state's carbon  
6 emissions while providing other environmental and social benefits and  
7 supporting a strong rural economic base. It is further the policy of  
8 the state to support the participation of working forests in current  
9 and future carbon markets, strengthening the state's role as a  
10 valuable contributor to the global carbon response while supporting  
11 one of its largest manufacturing sectors.

12 (d) It is further the policy of the state to utilize carbon  
13 accounting land use, land use change, and forestry reporting  
14 principles consistent with established reporting guidelines, such as  
15 those used by the intergovernmental panel on climate change and the  
16 United States national greenhouse gas reporting inventories.

17 (2) Any state carbon programs must support the policies stated in  
18 this section and recognize the forest products industry's  
19 contribution to the state's climate response.

20 **Sec. 71.** RCW 70A.45.100 and 2020 c 79 s 4 are each amended to  
21 read as follows:

22 (1) Separate and apart from the emissions limits established in  
23 RCW ((~~70.235.020~~)) 70A.45.020, it is the policy of the state to  
24 promote the removal of excess carbon from the atmosphere through  
25 voluntary and incentive-based sequestration activities in Washington  
26 including, but not limited to, on natural and working lands and by  
27 recognizing the potential for sequestration in products and product  
28 supply chains. It is the policy of the state to prioritize carbon  
29 sequestration in amounts necessary to achieve the carbon neutrality  
30 goal established in RCW ((~~70.235.020~~)) 70A.45.020, and at a level  
31 consistent with pathways to limit global warming to one and one-half  
32 degrees.

33 (2)(a) All agencies of state government including, but not  
34 limited to, the department, the department of natural resources, the  
35 department of transportation, the department of fish and wildlife,  
36 the department of agriculture, the department of commerce, the  
37 recreation and conservation office, and the conservation commission,  
38 shall seek all practicable opportunities, consistent with existing  
39 legal mandates and requirements and statutory objectives, to cost-

1 effectively maximize carbon sequestration and carbon storage in their  
2 nonland management agency operations, contracting, and grant-making  
3 activities.

4 (b) Any such effort to promote carbon sequestration activities  
5 that affects support for, or management of private lands or trust  
6 lands managed by the department of natural resources must be done in  
7 cooperation with the owners and managers of those natural and working  
8 lands.

9 **Sec. 72.** RCW 70A.325.070 and 2020 c 156 s 2 are each amended to  
10 read as follows:

11 The director has the following powers and duties:

12 (1) To design and from time to time revise a reinsurance contract  
13 providing coverage to an insurer meeting the requirements of this  
14 chapter. Before initially entering into a reinsurance contract, the  
15 director shall prepare an actuarial report describing the various  
16 reinsurance methods considered by the director and describing each  
17 method's costs. In designing the reinsurance contract the director  
18 shall consider common insurance industry reinsurance contract  
19 provisions and shall design the contract in accordance with the  
20 following guidelines:

21 (a) The contract shall provide coverage to the insurer for the  
22 liability risks of owners and operators of underground storage tanks  
23 for third party bodily injury and property damage and corrective  
24 action that are underwritten by the insurer.

25 (b) In the event of an insolvency of the insurer, the reinsurance  
26 contract shall provide reinsurance payable directly to the insurer or  
27 to its liquidator, receiver, or successor on the basis of the  
28 liability of the insurer in accordance with the reinsurance contract.  
29 In no event may the program be liable for or provide coverage for  
30 that portion of any covered loss that is the responsibility of the  
31 insurer whether or not the insurer is able to fulfill the  
32 responsibility.

33 (c) The total limit of liability for reinsurance coverage shall  
34 not exceed one million dollars per occurrence and two million dollars  
35 annual aggregate for each policy underwritten by the insurer less the  
36 ultimate net loss retained by the insurer as defined and provided for  
37 in the reinsurance contract.

38 (d) Disputes between the insurer and the insurance program shall  
39 be settled through arbitration.

1 (2) To design and implement a structure of periodic premiums due  
2 the director from the insurer that takes full advantage of revenue  
3 collections and projected revenue collections to ensure affordable  
4 premiums to the insured consistent with sound actuarial principles.

5 (3) To periodically review premium rates for reinsurance to  
6 determine whether revenue appropriations supporting the program can  
7 be reduced without substantially increasing the insured's premium  
8 costs.

9 (4) To solicit bids from insurers and select an insurer to  
10 provide pollution liability insurance to owners and operators of  
11 underground storage tanks for third party bodily injury and property  
12 damage and corrective action.

13 (5) To monitor the activities of the insurer to ensure compliance  
14 with this chapter and protect the program from excessive loss  
15 exposure resulting from claims mismanagement by the insurer.

16 (6) To monitor the success of the program and periodically make  
17 such reports and recommendations to the legislature as the director  
18 deems appropriate, and to annually publish a financial report on the  
19 pollution liability insurance program trust account showing, among  
20 other things, administrative and other expenses paid from the fund.

21 (7) To annually report the financial and loss experience of the  
22 insurer as to policies issued under the program and the financial and  
23 loss experience of the program to the legislature.

24 (8) To enter into contracts with public and private agencies to  
25 assist the director in his or her duties to design, revise, monitor,  
26 and evaluate the program and to provide technical or professional  
27 assistance to the director.

28 (9) To examine the affairs, transactions, accounts, records,  
29 documents, and assets of insurers as the director deems advisable.

30 (10) To design, in consultation with the office of financial  
31 management, an emergency program to assist owners and operators of  
32 underground storage tanks in meeting the federal financial  
33 responsibility requirements in the event that a private insurer  
34 withdraws from the Washington pollution liability insurance program.

35 (11) To determine, assess, and collect moneys sufficient to cover  
36 the direct and indirect costs of implementing the emergency program,  
37 including initial program development costs. The moneys may be  
38 collected from underground storage tank owners and operators who are  
39 using the emergency program. All moneys collected under this section

1 must be deposited in the pollution liability insurance program trust  
2 account created in RCW ((~~70.148.020~~)) 70A.325.020.

3 **Sec. 73.** RCW 70A.325.130 and 2020 c 156 s 3 are each amended to  
4 read as follows:

5 (1) The director may implement an emergency program, as designed  
6 under RCW ((~~70.148.050~~)) 70A.325.070.

7 (2) At the legislative session following implementation of an  
8 emergency program, the director must provide to the legislature a  
9 report on the options available to assist owners and operators in  
10 using one or a combination of mechanisms to demonstrate financial  
11 responsibility for underground storage tanks. The report must  
12 include, but is not limited to: Discussion of a state run insurance  
13 program; alternative options to a state run insurance program; an  
14 evaluation and recommendation of the finances required to develop and  
15 implement a new financial responsibility model that complies with the  
16 federal financial responsibility requirements in 40 C.F.R. Part 280,  
17 subpart H; and recommendations for legislation necessary to implement  
18 actions needed to meet federal financial responsibility requirements  
19 in 40 C.F.R. Part 280, subpart H.

20 **Sec. 74.** RCW 70A.330.010 and 2020 c 310 s 1 are each amended to  
21 read as follows:

22 The legislature finds that it is in the best interests of all  
23 citizens for petroleum storage tank systems to be operated safely and  
24 for tank leaks or spills to be dealt with expeditiously. The  
25 legislature finds that it is appropriate for an agency with expertise  
26 in petroleum to provide technical advice and assistance to owners or  
27 operators when there has been a release. The legislature further  
28 finds that while it is necessary to protect tank owners from the  
29 financial hardship related to damaged heating oil tanks, support can  
30 be provided through the agency's revolving loan and grant program in  
31 chapter ((~~70.340~~)) 70A.345 RCW. Therefore, the legislature intends to  
32 transition the pollution liability insurance program for heating oil  
33 tanks to a revolving loan and grant program, while maintaining the  
34 pollution liability insurance program for existing registrants.

35 **Sec. 75.** RCW 70A.345.030 and 2020 c 310 s 6 and 2020 c 20 s 1436  
36 are each reenacted and amended to read as follows:

1 (1) The agency shall establish an underground storage tank  
2 revolving loan and grant program to provide loans or grants to owners  
3 or operators to:

4 (a) Conduct remedial actions in accordance with chapter 70A.305  
5 RCW, including investigations and cleanups of any release or  
6 threatened release of a hazardous substance at or affecting an  
7 underground storage tank facility, provided that at least one of the  
8 releases or threatened releases involves petroleum;

9 (b) Upgrade, replace, or permanently close a petroleum  
10 underground storage tank system in accordance with chapter 70A.355  
11 RCW or subtitle I of the solid waste disposal act (42 U.S.C., chapter  
12 82, subchapter IX), as applicable;

13 (c) Install new infrastructure or retrofit existing  
14 infrastructure at an underground storage tank facility for dispensing  
15 or using renewable or alternative energy for motor vehicles,  
16 including electric vehicle charging stations, when conducted in  
17 conjunction with either (a) or (b) of this subsection;

18 (d) Install and subsequently remove a temporary petroleum  
19 aboveground storage tank system in compliance with applicable laws,  
20 when conducted in conjunction with either (a) or (b) of this  
21 subsection;

22 (e) Conduct remedial actions in accordance with chapter  
23 (~~(70.105D)~~) 70A.305 RCW, including investigation and cleanup of any  
24 release or threatened releases of petroleum from a heating oil tank;  
25 or

26 (f) Prevent future releases by upgrading, replacing,  
27 decommissioning, or removing a heating oil tank.

28 (2) The maximum amount that may be loaned or granted under this  
29 program to an owner or operator for a single underground storage tank  
30 facility is two million dollars and for a single heating oil tank  
31 seventy-five thousand dollars.

32 **Sec. 76.** RCW 70A.445.020 and 2020 c 67 s 1 are each amended to  
33 read as follows:

34 (1) The department will conduct a review of information about  
35 antifouling paints and ingredients, including information received  
36 from manufacturers and others pursuant to this chapter; information  
37 on the feasibility of best management practices and nonbiocidal  
38 antifouling alternatives; and any additional scientific or technical  
39 information and studies it determines are relevant to that review.

1 (2) The department must submit a report to the legislature  
2 summarizing its findings no later than June 30, 2024. Prior to  
3 submitting the report to the legislature, the department will conduct  
4 a public comment process to obtain expertise, input, and a review of  
5 the department's proposed determinations by relevant stakeholders and  
6 other interested parties. The input received from the public comment  
7 process must be considered before finalizing the report.

8 (3) If the department determines that safer and effective  
9 alternatives to copper-based antifouling paints are feasible,  
10 reasonable, and readily available, then:

11 (a) Beginning January 1, 2026, no manufacturer, wholesaler,  
12 retailer, or distributor may sell or offer for sale in this state any  
13 new recreational water vessel manufactured on or after January 1,  
14 2026, with antifouling paint containing more than 0.5 percent copper.  
15 This restriction does not apply to wood boats.

16 (b) Beginning January 1, 2026, antifouling paint that is intended  
17 for use on a recreational water vessel and that contains more than  
18 0.5 percent copper may not be offered for sale in this state.

19 (c) Beginning January 1, 2026, antifouling paint containing more  
20 than 0.5 percent copper may not be applied to a recreational water  
21 vessel in this state. This restriction does not apply to wood boats.

22 (4) If the department does not determine by June 30, 2024, that  
23 safer and effective alternatives to copper-based antifouling paints  
24 are feasible, reasonable, and readily available, then the department  
25 must conduct a second review of relevant studies and information on  
26 alternatives to copper-based antifouling paints and submit a report  
27 to the legislature summarizing its findings no later than June 30,  
28 2029.

29 (5) Nothing in this section restricts the department from  
30 reviewing and restricting antifouling paints under chapter (~~70.365~~)  
31 70A.350 RCW.

32 **Sec. 77.** RCW 70A.530.020 and 2020 c 138 s 3 are each amended to  
33 read as follows:

34 (1) Beginning January 1, 2021, except as provided in this section  
35 and RCW 70A.530.030, a retail establishment may not provide to a  
36 customer or a person at an event:

37 (a) A single-use plastic carryout bag;

38 (b) A paper carryout bag or reusable carryout bag made of film  
39 plastic that does not meet recycled content requirements; or

1 (c) Beginning January 1, 2026, a reusable carryout bag made of  
2 film plastic with a thickness of less than four mils, in the event  
3 that the 2025 legislature does not amend this section to reflect the  
4 recommendations to the legislature made consistent with RCW  
5 70A.530.060.

6 (2)(a) A retail establishment may provide a reusable carryout bag  
7 or a recycled content paper carryout bag of any size to a customer at  
8 the point of sale. A retail establishment may make reusable carryout  
9 bags available to customers through sale.

10 (b)(i) Until December 31, 2025, a retail establishment must  
11 collect a pass-through charge of eight cents for every recycled  
12 content paper carryout bag with a manufacturer's stated capacity of  
13 one-eighth barrel (eight hundred eighty-two cubic inches) or greater  
14 or reusable carryout bag made of film plastic it provides, except as  
15 provided in subsection (5) of this section and RCW 70A.530.030.

16 (ii) Beginning January 1, 2026, a retail establishment must  
17 collect a pass-through charge of twelve cents for reusable carryout  
18 bags made of film plastic and eight cents for recycled content paper  
19 carryout bags, in the event that the 2025 legislature does not amend  
20 this section to reflect the recommendations to the legislature made  
21 consistent with RCW 70A.530.060. It is the intent of the legislature  
22 for the 2025 legislature to reassess the amount of the pass-through  
23 charge authorized under this subsection (2)(b), taking into  
24 consideration the content of the report to the legislature under RCW  
25 70A.530.060.

26 (c) A retail establishment must keep all revenue from pass-  
27 through charges. The pass-through charge is a taxable retail sale. A  
28 retail establishment must show all pass-through charges on a receipt  
29 provided to the customer.

30 (3) Carryout bags provided by a retail establishment do not  
31 include:

32 (a) Bags used by consumers inside stores to:

33 (i) Package bulk items, such as fruit, vegetables, nuts, grains,  
34 candy, greeting cards, or small hardware items such as nails, bolts,  
35 or screws;

36 (ii) Contain or wrap items where dampness or sanitation might be  
37 a problem including, but not limited to:

38 (A) Frozen foods;

39 (B) Meat;

40 (C) Fish;

1 (D) Flowers; and  
2 (E) Potted plants;  
3 (iii) Contain unwrapped prepared foods or bakery goods;  
4 (iv) Contain prescription drugs; or  
5 (v) Protect a purchased item from damaging or contaminating other  
6 purchased items when placed in a recycled content paper carryout bag  
7 or reusable carryout bag; or  
8 (b) Newspaper bags, mailing pouches, sealed envelopes, door  
9 hanger bags, laundry/dry cleaning bags, or bags sold in packages  
10 containing multiple bags for uses such as food storage, garbage, or  
11 pet waste.  
12 (4) (a) Any compostable film bag that a retail establishment  
13 provides to customers for products, including for products bagged in  
14 stores prior to checkout, must meet the requirements for compostable  
15 products and film bags in chapter (~~70.360~~) 70A.455 RCW.  
16 (b) A retail establishment may not use or provide polyethylene or  
17 other noncompostable plastic bags for bagging of customer products in  
18 stores, as carryout bags, or for home delivery that do not meet the  
19 requirements for noncompostable products and film bags in chapter  
20 (~~70.360~~) 70A.455 RCW.  
21 (5) Except as provided by local regulations enacted as of April  
22 1, 2020, a retail establishment may provide a bag restricted under  
23 subsection (1) of this section from existing inventory until one year  
24 after June 11, 2020. The retail establishment, upon request by the  
25 department, must provide purchase invoices, distribution receipts, or  
26 other information documenting that the bag was acquired prior to June  
27 11, 2020.  
28 (6) For the purposes of this section:  
29 (a) A recycled content paper carryout bag must:  
30 (i) Contain a minimum of forty percent postconsumer recycled  
31 materials;  
32 (ii) Be capable of composting, consistent with the timeline and  
33 specifications of the entire American society of testing materials  
34 D6868 and associated test methods that must be met, as it existed as  
35 of January 1, 2020; and  
36 (iii) Display in print on the exterior of the paper bag the  
37 minimum percentage of postconsumer content.  
38 (b) A reusable carryout bag must:  
39 (i) Have a minimum lifetime of one hundred twenty-five uses,  
40 which for purposes of this subsection means the capacity to carry a



1 minimum of twenty-two pounds one hundred twenty-five times over a  
2 distance of at least one hundred seventy-five feet;

3 (ii) Be machine washable or made from a durable material that may  
4 be cleaned or disinfected; and

5 (iii) If made of film plastic:

6 (A) Be made from a minimum of twenty percent postconsumer  
7 recycled content until July 1, 2022, and thereafter must be made from  
8 a minimum of forty percent postconsumer recycled content;

9 (B) Display in print on the exterior of the plastic bag the  
10 minimum percentage of postconsumer recycled content, the mil  
11 thickness, and that the bag is reusable; and

12 (C) Have a minimum thickness of no less than 2.25 mils until  
13 December 31, 2025, and beginning January 1, 2026, must have a minimum  
14 thickness of four mils.

15 (c) Except for the purposes of subsection (4) of this section,  
16 food banks and other food assistance programs are not retail  
17 establishments, but are encouraged to take actions to reduce the use  
18 of single-use plastic carryout bags.

19 **Sec. 78.** RCW 70A.530.020 and 2020 c 138 s 3 are each amended to  
20 read as follows:

21 (1) Beginning January 1, 2021, except as provided in this section  
22 and RCW 70A.530.030, a retail establishment may not provide to a  
23 customer or a person at an event:

24 (a) A single-use plastic carryout bag;

25 (b) A paper carryout bag or reusable carryout bag made of film  
26 plastic that does not meet recycled content requirements; or

27 (c) Beginning January 1, 2026, a reusable carryout bag made of  
28 film plastic with a thickness of less than four mils, in the event  
29 that the 2025 legislature does not amend this section to reflect the  
30 recommendations to the legislature made consistent with RCW  
31 70A.530.060.

32 (2)(a) A retail establishment may provide a reusable carryout bag  
33 or a recycled content paper carryout bag of any size to a customer at  
34 the point of sale. A retail establishment may make reusable carryout  
35 bags available to customers through sale.

36 (b)(i) Until December 31, 2025, a retail establishment must  
37 collect a pass-through charge of eight cents for every recycled  
38 content paper carryout bag with a manufacturer's stated capacity of  
39 one-eighth barrel (eight hundred eighty-two cubic inches) or greater

1 or reusable carryout bag made of film plastic it provides, except as  
2 provided in subsection (5) of this section and RCW 70A.530.030.

3 (ii) Beginning January 1, 2026, a retail establishment must  
4 collect a pass-through charge of twelve cents for reusable carryout  
5 bags made of film plastic and eight cents for recycled content paper  
6 carryout bags, in the event that the 2025 legislature does not amend  
7 this section to reflect the recommendations to the legislature made  
8 consistent with RCW 70A.530.060. It is the intent of the legislature  
9 for the 2025 legislature to reassess the amount of the pass-through  
10 charge authorized under this subsection (2)(b), taking into  
11 consideration the content of the report to the legislature under RCW  
12 70A.530.060.

13 (c) A retail establishment must keep all revenue from pass-  
14 through charges. The pass-through charge is a taxable retail sale. A  
15 retail establishment must show all pass-through charges on a receipt  
16 provided to the customer.

17 (3) Carryout bags provided by a retail establishment do not  
18 include:

19 (a) Bags used by consumers inside stores to:

20 (i) Package bulk items, such as fruit, vegetables, nuts, grains,  
21 candy, greeting cards, or small hardware items such as nails, bolts,  
22 or screws;

23 (ii) Contain or wrap items where dampness or sanitation might be  
24 a problem including, but not limited to:

25 (A) Frozen foods;

26 (B) Meat;

27 (C) Fish;

28 (D) Flowers; and

29 (E) Potted plants;

30 (iii) Contain unwrapped prepared foods or bakery goods;

31 (iv) Contain prescription drugs; or

32 (v) Protect a purchased item from damaging or contaminating other  
33 purchased items when placed in a recycled content paper carryout bag  
34 or reusable carryout bag; or

35 (b) Newspaper bags, mailing pouches, sealed envelopes, door  
36 hanger bags, laundry/dry cleaning bags, or bags sold in packages  
37 containing multiple bags for uses such as food storage, garbage, or  
38 pet waste.

39 (4)(a) Any compostable film bag that a retail establishment  
40 provides to customers for products, including for products bagged in

1 stores prior to checkout, must meet the requirements for compostable  
2 products and film bags in chapter (~~(70.360)~~) 70A.455 RCW.

3 (b) A retail establishment may not use or provide polyethylene or  
4 other noncompostable plastic bags for bagging of customer products in  
5 stores, as carryout bags, or for home delivery that do not meet the  
6 requirements for noncompostable products and film bags in chapter  
7 (~~(70.360)~~) 70A.455 RCW.

8 (5) Except as provided by local regulations enacted as of April  
9 1, 2020, a retail establishment may provide a bag restricted under  
10 subsection (1) of this section from existing inventory until one year  
11 after June 11, 2020. The retail establishment, upon request by the  
12 department, must provide purchase invoices, distribution receipts, or  
13 other information documenting that the bag was acquired prior to June  
14 11, 2020.

15 (6) For the purposes of this section:

16 (a) A recycled content paper carryout bag must:

17 (i) Contain a minimum of forty percent postconsumer recycled  
18 materials;

19 (ii) Be capable of composting, consistent with the timeline and  
20 specifications of the entire American society of testing materials  
21 D6868 and associated test methods that must be met, as it existed as  
22 of January 1, 2020; and

23 (iii) Display in print on the exterior of the paper bag the  
24 minimum percentage of postconsumer content.

25 (b) A reusable carryout bag must:

26 (i) Have a minimum lifetime of one hundred twenty-five uses,  
27 which for purposes of this subsection means the capacity to carry a  
28 minimum of twenty-two pounds one hundred twenty-five times over a  
29 distance of at least one hundred seventy-five feet;

30 (ii) Be machine washable or made from a durable material that may  
31 be cleaned or disinfected; and

32 (iii) If made of film plastic:

33 (A) Be made from a minimum of twenty percent postconsumer  
34 recycled content until July 1, 2022, and thereafter must be made from  
35 a minimum of forty percent postconsumer recycled content;

36 (B) Display in print on the exterior of the plastic bag the  
37 minimum percentage of postconsumer recycled content, the mil  
38 thickness, and that the bag is reusable; and

1 (C) Have a minimum thickness of no less than 2.25 mils until  
2 December 31, 2025, and beginning January 1, 2026, must have a minimum  
3 thickness of four mils.

4 (c) Except for the purposes of subsection (4) of this section,  
5 food banks and other food assistance programs are not retail  
6 establishments, but are encouraged to take actions to reduce the use  
7 of single-use plastic carryout bags.

8 **Sec. 79.** RCW 76.04.205 and 1986 c 100 s 17 are each amended to  
9 read as follows:

10 (1) Except in certain areas designated by the department or as  
11 permitted under rules adopted by the department, a person shall have  
12 a valid written burning permit obtained from the department to burn:

13 (a) Any flammable material on any lands under the protection of  
14 the department; or

15 (b) Refuse or waste forest material on forestlands protected by  
16 the department.

17 (2) To be valid a permit must be signed by both the department  
18 and the permittee. Conditions may be imposed in the permit for the  
19 protection of life, property, or air quality and (~~{the department}~~)  
20 the department may suspend or revoke the permits when conditions  
21 warrant. A permit shall be effective only under the conditions and  
22 for the period stated therein. Signing of the permit shall indicate  
23 the permittee's agreement to and acceptance of the conditions of the  
24 permit.

25 (3) The department may inspect or cause to be inspected the area  
26 involved and may issue a burning permit if:

27 (a) All requirements relating to firefighting equipment, the work  
28 to be done, and precautions to be taken before commencing the burning  
29 have been met;

30 (b) No unreasonable danger will result; and

31 (c) Burning will be done in compliance with air quality standards  
32 established by chapter (~~(70.94)~~) 70A.15 RCW.

33 (4) The department, authorized employees thereof, or any warden  
34 or ranger may refuse, revoke, or postpone the use of permits to burn  
35 when necessary for the safety of adjacent property or when necessary  
36 in their judgment to prevent air pollution as provided in chapter  
37 (~~(70.94)~~) 70A.15 RCW.

1       **Sec. 80.** RCW 76.09.905 and 1974 ex.s. c 137 s 31 are each  
2 amended to read as follows:

3       Nothing in RCW 76.09.010 through 76.09.280 or 90.48.420 shall  
4 modify chapter ((70.94)) 70A.15 RCW or any other provision of law  
5 relating to the control of air pollution.

6       **Sec. 81.** RCW 77.12.734 and 2013 c 291 s 10 are each amended to  
7 read as follows:

8       (1) Following the inspection required under RCW 77.12.732 and  
9 prior to transferring ownership of a department-owned vessel, the  
10 department shall obtain the following from the transferee:

11       (a) The purposes for which the transferee intends to use the  
12 vessel; and

13       (b) Information demonstrating the prospective owner's intent to  
14 obtain legal moorage following the transfer, in the manner determined  
15 by the department.

16       (2)(a) The department shall remove any containers or other  
17 materials that are not fixed to the vessel and contain hazardous  
18 substances, as defined under RCW ((70.105D.020)) 70A.305.020.

19       (b) However, the department may transfer a vessel with:

20       (i) Those containers or materials described under (a) of this  
21 subsection where the transferee demonstrates to the department's  
22 satisfaction that the container's or material's presence is  
23 consistent with the anticipated use of the vessel; and

24       (ii) A reasonable amount of fuel as determined by the department,  
25 based on factors including the vessel's size, condition, and  
26 anticipated use of the vessel, including initial destination  
27 following transfer.

28       (c) The department may consult with the department of ecology in  
29 carrying out the requirements of this subsection.

30       (3) Prior to sale, and unless the vessel has a title or valid  
31 marine document, the department is required to apply for a  
32 certificate of title for the vessel under RCW 88.02.510 and register  
33 the vessel under RCW 88.02.550.

34       **Sec. 82.** RCW 77.60.170 and 2008 c 202 s 1 are each amended to  
35 read as follows:

36       (1)(a) The department shall transfer the funds required by RCW  
37 77.60.160 to the appropriate local governments. Pacific and Grays  
38 Harbor counties and Puget Sound shall manage their established

1 shellfish—on-site sewage grant program. The local governments, in  
2 consultation with the department of health, shall use the provided  
3 funds as grants or loans to individuals for repairing or improving  
4 their on-site sewage systems. The grants or loans may be provided  
5 only in areas that have the potential to adversely affect water  
6 quality in commercial and recreational shellfish growing areas.

7 (b) A recipient of a grant or loan shall enter into an agreement  
8 with the appropriate local government to maintain the improved on-  
9 site sewage system according to specifications required by the local  
10 government.

11 (c) The department shall work closely with local governments and  
12 it shall be the goal of the department to attain geographic equity  
13 between Grays Harbor, Willapa Bay, and Puget Sound when making funds  
14 available under this program.

15 (d) For the purposes of this subsection, "geographic equity"  
16 means issuing on-site sewage grants or loans at a level that matches  
17 the funds generated from the oyster reserve lands in that area.

18 (2) In Puget Sound, the local governments shall give first  
19 priority to areas that are:

20 (a) Identified as "areas of special concern" under WAC  
21 246-272-01001;

22 (b) Included within a shellfish protection district under chapter  
23 90.72 RCW; or

24 (c) Identified as a marine recovery area under chapter  
25 (~~70.118A~~) 70A.110 RCW.

26 (3) In Grays Harbor and Pacific counties, the local governments  
27 shall give first priority to preventing the deterioration of water  
28 quality in areas where commercial or recreational shellfish are  
29 grown.

30 (4) The department and each participating local government shall  
31 enter into a memorandum of understanding that will establish an  
32 applicant income eligibility requirement for individual grant  
33 applicants from within the jurisdiction and other mutually agreeable  
34 terms and conditions of the grant program.

35 (5) For the 2007-2009 biennium, from the funds received under  
36 this section, Pacific county shall transfer up to two hundred  
37 thousand dollars to the department. Upon receiving the funds from  
38 Pacific county, the department and the appropriate oyster reserve  
39 advisory committee under RCW 77.60.160 shall identify and execute  
40 specific research projects with those funds.

1       **Sec. 83.** RCW 78.44.050 and 2003 c 39 s 39 are each amended to  
2 read as follows:

3       The department shall have the exclusive authority to regulate  
4 surface mine reclamation. No county, city, or town may require for  
5 its review or approval a separate reclamation plan or application.  
6 The department may, however, delegate some or all of its enforcement  
7 authority by contractual agreement to a county, city, or town that  
8 employs personnel who are, in the opinion of the department,  
9 qualified to enforce plans approved by the department. All counties,  
10 cities, or towns shall have the authority to zone surface mines and  
11 adopt ordinances regulating operations as provided in this chapter,  
12 except that county, city, or town operations ordinances may be  
13 preempted by the department during the emergencies outlined in RCW  
14 78.44.200 and related rules.

15       This chapter shall not alter or preempt any provisions of the  
16 state water allocation and use laws (chapters 90.03 and 90.44 RCW),  
17 the state water pollution control laws (chapter 90.48 RCW), the state  
18 fish and wildlife laws (Title 77 RCW), state noise laws or air  
19 quality laws (Title 70 RCW), shoreline management (chapter 90.58  
20 RCW), the state environmental policy act (chapter 43.21C RCW), state  
21 growth management (chapter 36.70A RCW), state drinking water laws  
22 (chapters 43.20 and (~~70.119A~~) 70A.125 RCW), or any other state  
23 statutes.

24       **Sec. 84.** RCW 78.56.020 and 1994 c 232 s 2 are each amended to  
25 read as follows:

26       The definitions set forth in this section apply throughout this  
27 chapter.

28       (1) "Metals mining and milling operation" means a mining  
29 operation extracting from the earth precious or base metal ore and  
30 processing the ore by treatment or concentration in a milling  
31 facility. It also refers to an expansion of an existing operation or  
32 any new metals mining operation if the expansion or new mining  
33 operation is likely to result in a significant, adverse environmental  
34 impact pursuant to the provisions of chapter 43.21C RCW. The  
35 extraction of dolomite, sand, gravel, aggregate, limestone,  
36 magnesite, silica rock, and zeolite or other nonmetallic minerals;  
37 and placer mining; and the smelting of aluminum are not metals mining  
38 and milling operations regulated under this chapter.

1 (2) "Milling" means the process of grinding or crushing ore and  
2 extracting the base or precious metal by chemical solution, electro  
3 winning, or flotation processes.

4 (3) "Heap leach extraction process" means the process of  
5 extracting base or precious metal ore by percolating solutions  
6 through ore in an open system and includes reprocessing of previously  
7 milled ore. The heap leach extraction process does not include  
8 leaching in a vat or tank.

9 (4) "In situ extraction" means the process of dissolving base or  
10 precious metals from their natural place in the geological setting  
11 and retrieving the solutions from which metals can be recovered.

12 (5) "Regulated substances" means any materials regulated under a  
13 waste discharge permit pursuant to the requirements of chapter 90.48  
14 RCW and/or a permit issued pursuant to chapter (~~70.94~~) 70A.15 RCW.

15 (6) "To mitigate" means: (a) To avoid the adverse impact  
16 altogether by not taking a certain action or parts of an action; (b)  
17 to minimize adverse impacts by limiting the degree or magnitude of  
18 the action and its implementation, by using appropriate technology or  
19 by taking affirmative steps to avoid or reduce impacts; (c) to  
20 rectify adverse impacts by repairing, rehabilitating, or restoring  
21 the affected environment; (d) to reduce or eliminate adverse impacts  
22 over time by preservation and maintenance operations during the life  
23 of the action; (e) to compensate for the impact by replacing,  
24 enhancing, or providing substitute resources or environments; or (f)  
25 to monitor the adverse impact and take appropriate corrective  
26 measures.

27 **Sec. 85.** RCW 78.56.040 and 1994 c 232 s 4 are each amended to  
28 read as follows:

29 The department of ecology shall require each applicant submitting  
30 a checklist pursuant to chapter 43.21C RCW for a metals mining and  
31 milling operation to disclose the ownership and each controlling  
32 interest in the proposed operation. The applicant shall also disclose  
33 all other mining operations within the United States which the  
34 applicant operates or in which the applicant has an ownership or  
35 controlling interest. In addition, the applicant shall disclose and  
36 may enumerate and describe the circumstances of: (1) Any past or  
37 present bankruptcies involving the ownerships and their subsidiaries,  
38 (2) any abandonment of sites regulated by the model toxics control  
39 act, chapter (~~70.105D~~) 70A.305 RCW, or other similar state remedial



1 cleanup programs, or the federal comprehensive environmental  
2 response, compensation, and liability act, 42 U.S.C. Sec. 9601 et  
3 seq., as amended, (3) any penalties in excess of ten thousand dollars  
4 assessed for violations of the provisions of 33 U.S.C. Sec. 1251 et  
5 seq. or 42 U.S.C. Sec. 7401 et seq., and (4) any previous forfeitures  
6 of financial assurance due to noncompliance with reclamation or  
7 remediation requirements. This information shall be available for  
8 public inspection and copying at the department of ecology. Ownership  
9 or control of less than ten percent of the stock of a corporation  
10 shall not by itself constitute ownership or a controlling interest  
11 under this section.

12 **Sec. 86.** RCW 78.56.100 and 1994 c 232 s 10 are each amended to  
13 read as follows:

14 (1) In order to receive a waste discharge permit from the  
15 department of ecology pursuant to the requirements of chapter 90.48  
16 RCW or in order to operate a metals mining and milling tailing  
17 facility, an applicant proposing a metals mining and milling  
18 operation regulated under this chapter must meet the following  
19 additional requirements:

20 (a) Any tailings facility shall be designed and operated to  
21 prevent the release of pollution and must meet the following  
22 standards:

23 (i) Operators shall apply all known available and reasonable  
24 technology to limit the concentration of potentially toxic materials  
25 in the tailings facility to assure the protection of wildlife and  
26 human health;

27 (ii) The tailings facility shall have a containment system that  
28 includes an engineered liner system, leak detection and leak  
29 collection elements, and a seepage collection impoundment to assure  
30 that a leak of any regulated substance under chapter 90.48 RCW will  
31 be detected before escaping from the containment system. The design  
32 and management of the facility must ensure that any leaks from the  
33 tailings facility are detected in a manner which allows for  
34 remediation pursuant to chapter 90.48 RCW. The applicant shall  
35 prepare a detailed engineering report setting forth the facility  
36 design and construction. The applicant shall submit the report to the  
37 department of ecology for its review and approval of a design as  
38 determined by the department. Natural conditions, such as depth to  
39 groundwater or net rainfall, shall be taken into account in the

1 facility design, but not in lieu of the protection required by the  
2 engineered liner system;

3 (iii) The toxicity of mine or mill tailings and the potential for  
4 long-term release of regulated substances from mine or mill tailings  
5 shall be reduced to the greatest extent practicable through  
6 stabilization, removal, or reuse of the substances; and

7 (iv) The closure of the tailings facility shall provide for  
8 isolation or containment of potentially toxic materials and shall be  
9 designed to prevent future release of regulated substances contained  
10 in the impoundment;

11 (b) The applicant must develop a waste rock management plan  
12 approved by the department of ecology and the department of natural  
13 resources which emphasizes pollution prevention. At a minimum, the  
14 plan must contain the following elements:

15 (i) An accurate identification of the acid generating properties  
16 of the waste rock;

17 (ii) A strategy for encapsulating potentially toxic material from  
18 the environment, when appropriate, in order to prevent the release of  
19 heavy metals and acidic drainage; and

20 (iii) A plan for reclaiming and closing waste rock sites which  
21 minimizes infiltration of precipitation and runoff into the waste  
22 rock and which is designed to prevent future releases of regulated  
23 substances contained within the waste rock;

24 (c) If an interested citizen or citizen group so requests of the  
25 department of ecology, the metals mining and milling operator or  
26 applicant shall work with the department of ecology and the  
27 interested party to make arrangements for citizen observation and  
28 verification in the taking of required water samples. While it is the  
29 intent of this subsection to provide for citizen observation and  
30 verification of water sampling activities, it is not the intent of  
31 this subsection to require additional water sampling and analysis on  
32 the part of the mining and milling operation or the department. The  
33 citizen observation and verification program shall be incorporated  
34 into the applicant's, operator's, or department's normal sampling  
35 regimen and shall occur at least once every six months. There is no  
36 duty of care on the part of the state or its employees to any person  
37 who participates in the citizen observation and verification of water  
38 sampling under chapter 232, Laws of 1994 and the state and its  
39 employees shall be immune from any civil lawsuit based on any  
40 injuries to or claims made by any person as a result of that person's

1 participation in such observation and verification of water sampling  
2 activities. The metals mining and milling operator or applicant shall  
3 not be liable for any injuries to or claims made by any person which  
4 result from that person coming onto the property of the metals mining  
5 and milling operator or applicant as an observer pursuant to chapter  
6 232, Laws of 1994. The results from these and all other relevant  
7 water sampling activities shall be kept on file with the relevant  
8 county and shall be available for public inspection during normal  
9 working hours; and

10 (d) An operator or applicant for a metals mining and milling  
11 operation must complete a voluntary reduction plan in accordance with  
12 RCW ((70.95C.200)) 70A.214.110.

13 (2) Only those tailings facilities constructed after April 1,  
14 1994, must meet the requirement established in subsection (1)(a) of  
15 this section. Only those waste rock holdings constructed after April  
16 1, 1994, must meet the requirement established in subsection (1)(b)  
17 of this section.

18 **Sec. 87.** RCW 78.56.150 and 1994 c 232 s 15 are each amended to  
19 read as follows:

20 A milling facility which is not adjacent to or in the vicinity of  
21 the metals mining operation producing the ore to be milled and which  
22 processes precious or base metal ore by treatment or concentration is  
23 subject to the provisions of RCW 78.56.010 through 78.56.090,  
24 78.56.100(1) (a), (c), and (d), 78.56.110 through 78.56.140,  
25 ((70.94.620, and 70.105.300)) 70A.15.4520, and 70A.300.470 and  
26 chapters ((70.94, 70.105)) 70A.15, 70A.300, 90.03, and 90.48 RCW and  
27 all other applicable laws. The smelting of aluminum does not  
28 constitute a metals milling operation under this section.

29 **Sec. 88.** RCW 79.100.030 and 2011 c 247 s 4 are each amended to  
30 read as follows:

31 (1) An authorized public entity has the authority, subject to the  
32 processes and limitations of this chapter, to store, strip, use,  
33 auction, sell, salvage, scrap, or dispose of an abandoned or derelict  
34 vessel found on or above aquatic lands within the jurisdiction of the  
35 authorized public entity. A vessel disposal must be done in an  
36 environmentally sound manner and in accordance with all federal,  
37 state, and local laws, including the state solid waste disposal  
38 provisions provided for in chapter ((70.95)) 70A.205 RCW. Scuttling

1 or sinking of a vessel is only permissible after obtaining the  
2 express permission of the owner or owners of the aquatic lands below  
3 where the scuttling or sinking would occur, and obtaining all  
4 necessary state and federal permits or licenses.

5 (2) The primary responsibility to remove a derelict or abandoned  
6 vessel belongs to the owner, operator, or lessee of the moorage  
7 facility or the aquatic lands where the vessel is located. If the  
8 authorized public entity with the primary responsibility is unwilling  
9 or unable to exercise the authority granted by this section, it may  
10 request the department to assume the authorized public entity's  
11 authority for a particular vessel. The department may at its  
12 discretion assume the authorized public entity's authority for a  
13 particular vessel after being requested to do so. For vessels not at  
14 a moorage facility, an authorized public entity with jurisdiction  
15 over the aquatic lands where the vessel is located may, at its  
16 discretion, request to assume primary responsibility for that  
17 particular vessel from the owner of the aquatic lands where the  
18 vessel is located.

19 (3) The authority granted by this chapter is permissive, and no  
20 authorized public entity has a duty to exercise the authority. No  
21 liability attaches to an authorized public entity that chooses not to  
22 exercise this authority. An authorized public entity, in the good  
23 faith performance of the actions authorized under this chapter, is  
24 not liable for civil damages resulting from any act or omission in  
25 the performance of the actions other than acts or omissions  
26 constituting gross negligence or willful or wanton misconduct. Any  
27 person whose assistance has been requested by an authorized public  
28 entity, who has entered into a written agreement pursuant to RCW  
29 79.100.070, and who, in good faith, renders assistance or advice with  
30 respect to activities conducted by an authorized public entity  
31 pursuant to this chapter, is not liable for civil damages resulting  
32 from any act or omission in the rendering of the assistance or  
33 advice, other than acts or omissions constituting gross negligence or  
34 willful or wanton misconduct.

35 **Sec. 89.** RCW 79.100.050 and 2002 c 286 s 6 are each amended to  
36 read as follows:

37 (1) After taking custody of a vessel, the authorized public  
38 entity may use or dispose of the vessel in any appropriate and  
39 environmentally sound manner without further notice to any owners,

1 but must give preference to uses that derive some monetary benefit  
2 from the vessel, either in whole or in scrap. If no value can be  
3 derived from the vessel, the authorized public entity must give  
4 preference to the least costly, environmentally sound, reasonable  
5 disposal option. Any disposal operations must be consistent with the  
6 state solid waste disposal provisions provided for in chapter  
7 (~~70.95~~) 70A.205 RCW.

8 (2) If the authorized public entity chooses to offer the vessel  
9 at a public auction, either a minimum bid may be set or a letter of  
10 credit may be required, or both, to discourage future reabandonment  
11 of the vessel.

12 (3) Proceeds derived from the sale of the vessel must first be  
13 applied to any administrative costs that are incurred by the  
14 authorized public entity during the notification procedures set forth  
15 in RCW 79.100.040, removal and disposal costs, and costs associated  
16 with environmental damages directly or indirectly caused by the  
17 vessel. If the proceeds derived from the vessel exceed all  
18 administrative costs, removal and disposal costs, and costs  
19 associated with environmental damages directly or indirectly caused  
20 by the vessel, the remaining moneys must be applied to satisfying any  
21 liens registered against the vessel.

22 (4) Any value derived from a vessel greater than all liens and  
23 costs incurred reverts to the derelict vessel removal account  
24 established in RCW 79.100.100.

25 **Sec. 90.** RCW 79A.05.050 and 2002 c 175 s 52 are each amended to  
26 read as follows:

27 (1) The commission shall establish a policy and procedures for  
28 supervising and evaluating community restitution activities that may  
29 be imposed under RCW (~~70.93.060~~) 70A.200.060(3) including a  
30 description of what constitutes satisfactory completion of community  
31 restitution.

32 (2) The commission shall inform each state park of the policy and  
33 procedures regarding community restitution activities, and each state  
34 park shall then notify the commission as to whether or not the park  
35 elects to participate in the community restitution program. The  
36 commission shall transmit a list notifying the district courts of  
37 each state park that elects to participate.

1       **Sec. 91.** RCW 79A.05.189 and 2013 c 291 s 12 are each amended to  
2 read as follows:

3       (1) Following the inspection required under RCW 79A.05.187 and  
4 prior to transferring ownership of a commission-owned vessel, the  
5 commission shall obtain the following from the transferee:

6       (a) The purposes for which the transferee intends to use the  
7 vessel; and

8       (b) Information demonstrating the prospective owner's intent to  
9 obtain legal moorage following the transfer, in the manner determined  
10 by the commission.

11       (2)(a) The commission shall remove any containers or other  
12 materials that are not fixed to the vessel and contain hazardous  
13 substances, as defined under RCW (~~(70.105D.020)~~) 70A.305.020.

14       (b) However, the commission may transfer a vessel with:

15       (i) Those containers or materials described under (a) of this  
16 subsection where the transferee demonstrates to the commission's  
17 satisfaction that the container's or material's presence is  
18 consistent with the anticipated use of the vessel; and

19       (ii) A reasonable amount of fuel as determined by the commission,  
20 based on factors including the vessel's size, condition, and  
21 anticipated use of the vessel, including initial destination  
22 following transfer.

23       (c) The commission may consult with the department of ecology in  
24 carrying out the requirements of this subsection.

25       (3) Prior to sale, and unless the vessel has a title or valid  
26 marine document, the commission is required to apply for a  
27 certificate of title for the vessel under RCW 88.02.510 and register  
28 the vessel under RCW 88.02.550.

29       **Sec. 92.** RCW 80.01.300 and 1971 ex.s. c 293 s 7 are each amended  
30 to read as follows:

31       Nothing contained in the provisions of RCW 36.58A.010 through  
32 36.58A.040 and (~~(70.95.090)~~) 70A.205.045 and this section shall  
33 detract from the powers, duties, and functions given to the utilities  
34 and transportation commission in chapter 81.77 RCW.

35       **Sec. 93.** RCW 80.04.010 and 2011 c 214 s 2 and 2011 c 28 s 1 are  
36 each reenacted and amended to read as follows:

37       As used in this title, unless specifically defined otherwise or  
38 unless the context indicates otherwise:

1 (1) "Automatic location identification" means a system by which  
2 information about a caller's location, including the seven-digit  
3 number or ten-digit number used to place a 911 call or a different  
4 seven-digit number or ten-digit number to which a return call can be  
5 made from the public switched network, is forwarded to a public  
6 safety answering point for display.

7 (2) "Automatic number identification" means a system that allows  
8 for the automatic display of the seven-digit or ten-digit number used  
9 to place a 911 call.

10 (3) "Battery charging facility" includes a "battery charging  
11 station" and a "rapid charging station" as defined in RCW 82.08.816.

12 (4) "Cogeneration facility" means any machinery, equipment,  
13 structure, process, or property, or any part thereof, installed or  
14 acquired for the primary purpose of the sequential generation of  
15 electrical or mechanical power and useful heat from the same primary  
16 energy source or fuel.

17 (5) "Commission" means the utilities and transportation  
18 commission.

19 (6) "Commissioner" means one of the members of such commission.

20 (7) "Competitive telecommunications company" means a  
21 telecommunications company which has been classified as such by the  
22 commission pursuant to RCW 80.36.320.

23 (8) "Competitive telecommunications service" means a service  
24 which has been classified as such by the commission pursuant to RCW  
25 80.36.330.

26 (9) "Corporation" includes a corporation, company, association or  
27 joint stock association.

28 (10) "Department" means the department of health.

29 (11) "Electric plant" includes all real estate, fixtures and  
30 personal property operated, owned, used or to be used for or in  
31 connection with or to facilitate the generation, transmission,  
32 distribution, sale or furnishing of electricity for light, heat, or  
33 power for hire; and any conduits, ducts or other devices, materials,  
34 apparatus or property for containing, holding or carrying conductors  
35 used or to be used for the transmission of electricity for light,  
36 heat or power.

37 (12) "Electrical company" includes any corporation, company,  
38 association, joint stock association, partnership and person, their  
39 lessees, trustees or receivers appointed by any court whatsoever  
40 (other than a railroad or street railroad company generating

1 electricity solely for railroad or street railroad purposes or for  
2 the use of its tenants and not for sale to others), and every city or  
3 town owning, operating or managing any electric plant for hire within  
4 this state. "Electrical company" does not include a company or person  
5 employing a cogeneration facility solely for the generation of  
6 electricity for its own use or the use of its tenants or for sale to  
7 an electrical company, state or local public agency, municipal  
8 corporation, or quasi municipal corporation engaged in the sale or  
9 distribution of electrical energy, but not for sale to others, unless  
10 such company or person is otherwise an electrical company.

11 (13) "Facilities" means lines, conduits, ducts, poles, wires,  
12 cables, cross-arms, receivers, transmitters, instruments, machines,  
13 appliances, instrumentalities and all devices, real estate,  
14 easements, apparatus, property and routes used, operated, owned or  
15 controlled by any telecommunications company to facilitate the  
16 provision of telecommunications service.

17 (14) "Gas company" includes every corporation, company,  
18 association, joint stock association, partnership and person, their  
19 lessees, trustees or receiver appointed by any court whatsoever, and  
20 every city or town, owning, controlling, operating or managing any  
21 gas plant within this state.

22 (15) "Gas plant" includes all real estate, fixtures and personal  
23 property, owned, leased, controlled, used or to be used for or in  
24 connection with the transmission, distribution, sale or furnishing of  
25 natural gas, or the manufacture, transmission, distribution, sale or  
26 furnishing of other type gas, for light, heat or power.

27 (16) "LATA" means a local access transport area as defined by the  
28 commission in conformance with applicable federal law.

29 (17) "Local exchange company" means a telecommunications company  
30 providing local exchange telecommunications service.

31 (18) "Noncompetitive telecommunications service" means any  
32 service which has not been classified as competitive by the  
33 commission.

34 (19) "Person" includes an individual, a firm or partnership.

35 (20) "Private shared telecommunications services" includes the  
36 provision of telecommunications and information management services  
37 and equipment within a user group located in discrete private  
38 premises in building complexes, campuses, or high-rise buildings, by  
39 a commercial shared services provider or by a user association,  
40 through privately owned customer premises equipment and associated



1 data processing and information management services and includes the  
2 provision of connections to the facilities of a local exchange and to  
3 interexchange telecommunications companies.

4 (21) "Private switch automatic location identification service"  
5 means a service that enables automatic location identification to be  
6 provided to a public safety answering point for 911 calls originating  
7 from station lines served by a private switch system.

8 (22) "Private telecommunications system" means a  
9 telecommunications system controlled by a person or entity for the  
10 sole and exclusive use of such person, entity, or affiliate thereof,  
11 including the provision of private shared telecommunications services  
12 by such person or entity. "Private telecommunications system" does  
13 not include a system offered for hire, sale, or resale to the general  
14 public.

15 (23) "Public service company" includes every gas company,  
16 electrical company, telecommunications company, wastewater company,  
17 and water company. Ownership or operation of a cogeneration facility  
18 does not, by itself, make a company or person a public service  
19 company.

20 (24) "Radio communications service company" includes every  
21 corporation, company, association, joint stock association,  
22 partnership, and person, their lessees, trustees, or receivers  
23 appointed by any court, and every city or town making available  
24 facilities to provide radio communications service, radio paging, or  
25 cellular communications service for hire, sale, or resale.

26 (25) "Service" is used in this title in its broadest and most  
27 inclusive sense.

28 (26) "System of sewerage" means collection, treatment, and  
29 disposal facilities and services for sewerage, or storm or surface  
30 water runoff.

31 (27) "Telecommunications" is the transmission of information by  
32 wire, radio, optical cable, electromagnetic, or other similar means.  
33 As used in this definition, "information" means knowledge or  
34 intelligence represented by any form of writing, signs, signals,  
35 pictures, sounds, or any other symbols.

36 (28) "Telecommunications company" includes every corporation,  
37 company, association, joint stock association, partnership and  
38 person, their lessees, trustees or receivers appointed by any court  
39 whatsoever, and every city or town owning, operating or managing any

1 facilities used to provide telecommunications for hire, sale, or  
2 resale to the general public within this state.

3 (29)(a) "Wastewater company" means a corporation, company,  
4 association, joint stock association, partnership and person, their  
5 lessees, trustees, or receivers that owns or proposes to develop and  
6 own a system of sewerage that is designed for a peak flow of twenty-  
7 seven thousand to one hundred thousand gallons per day if treatment  
8 is by a large on-site sewerage system, or to serve one hundred or  
9 more customers.

10 (b) For purposes of commission jurisdiction, wastewater company  
11 does not include: (i) Municipal, county, or other publicly owned  
12 systems of sewerage; or (ii) wastewater company service to customers  
13 outside of an urban growth area as defined in RCW 36.70A.030.

14 (30)(a) "Water company" includes every corporation, company,  
15 association, joint stock association, partnership and person, their  
16 lessees, trustees or receivers appointed by any court whatsoever, and  
17 every city or town owning, controlling, operating, or managing any  
18 water system for hire within this state.

19 (b) For purposes of commission jurisdiction, "water company" does  
20 not include any water system serving less than one hundred customers  
21 where the average annual gross revenue per customer does not exceed  
22 three hundred dollars per year, which revenue figure may be increased  
23 annually by the commission by rule adopted pursuant to chapter 34.05  
24 RCW to reflect the rate of inflation as determined by the implicit  
25 price deflator of the United States department of commerce. The  
26 measurement of customers or revenues must include all portions of  
27 water companies having common ownership or control, regardless of  
28 location or corporate designation.

29 (c) "Control" is defined by the commission by rule and does not  
30 include management by a satellite agency as defined in chapter  
31 (~~70.116~~) 70A.100 RCW if the satellite agency is not an owner of the  
32 water company.

33 (d) "Water company" also includes, for auditing purposes only,  
34 nonmunicipal water systems which are referred to the commission  
35 pursuant to an administrative order from the department, or the city  
36 or county as provided in RCW 80.04.110.

37 (e) Water companies exempt from commission regulation are subject  
38 to the provisions of chapter 19.86 RCW. A water company cannot be  
39 removed from regulation except with the approval of the commission.  
40 Water companies subject to regulation may petition the commission for

1 removal from regulation if the number of customers falls below one  
2 hundred or the average annual revenue per customer falls below three  
3 hundred dollars. The commission is authorized to maintain continued  
4 regulation if it finds that the public interest so requires.

5 (31) "Water system" includes all real estate, easements,  
6 fixtures, personal property, dams, dikes, head gates, weirs, canals,  
7 reservoirs, flumes or other structures or appliances operated, owned,  
8 used or to be used for or in connection with or to facilitate the  
9 supply, storage, distribution, sale, furnishing, diversion, carriage,  
10 apportionment or measurement of water for power, irrigation,  
11 reclamation, manufacturing, municipal, domestic or other beneficial  
12 uses for hire.

13 **Sec. 94.** RCW 80.04.110 and 2011 c 214 s 7 are each amended to  
14 read as follows:

15 (1)(a) Complaint may be made by the commission of its own motion  
16 or by any person or corporation, chamber of commerce, board of trade,  
17 or any commercial, mercantile, agricultural or manufacturing society,  
18 or any body politic or municipal corporation, or by the public  
19 counsel section of the office of the attorney general, or its  
20 successor, by petition or complaint in writing, setting forth any act  
21 or thing done or omitted to be done by any public service corporation  
22 in violation, or claimed to be in violation, of any provision of this  
23 title, Title 81 RCW, or of any order or rule of the commission.

24 (b) No complaint may be entertained by the commission except upon  
25 its own motion, as to the reasonableness of the schedule of the rates  
26 or charges of any gas company, electrical company, water company,  
27 wastewater company, or telecommunications company, unless the same be  
28 signed by the mayor, council or commission of the city or town in  
29 which the company complained of is engaged in business, or not less  
30 than twenty-five consumers or purchasers of such gas, electricity,  
31 water, wastewater company services, or telecommunications service, or  
32 at least twenty-five percent of the consumers or purchasers of the  
33 company's service.

34 (c) When two or more public service corporations, (meaning to  
35 exclude municipal and other public corporations) are engaged in  
36 competition in any locality or localities in the state, either may  
37 make complaint against the other or others that the rates, charges,  
38 rules, regulations or practices of such other or others with or in  
39 respect to which the complainant is in competition, are unreasonable,

1 unremunerative, discriminatory, illegal, unfair or intending or  
2 tending to oppress the complainant, to stifle competition, or to  
3 create or encourage the creation of monopoly, and upon such complaint  
4 or upon complaint of the commission upon its own motion, the  
5 commission has power, after notice and hearing as in other cases, to,  
6 by its order, subject to appeal as in other cases, correct the abuse  
7 complained of by establishing such uniform rates, charges, rules,  
8 regulations or practices in lieu of those complained of, to be  
9 observed by all of such competing public service corporations in the  
10 locality or localities specified as is found reasonable,  
11 remunerative, nondiscriminatory, legal, and fair or tending to  
12 prevent oppression or monopoly or to encourage competition, and upon  
13 any such hearing it is proper for the commission to take into  
14 consideration the rates, charges, rules, regulations and practices of  
15 the public service corporation or corporations complained of in any  
16 other locality or localities in the state.

17 (2) All matters upon which complaint may be founded may be joined  
18 in one hearing, and no motion may be entertained against a complaint  
19 for misjoinder of complaints or grievances or misjoinder of parties;  
20 and in any review of the courts of orders of the commission the same  
21 rule shall apply and pertain with regard to the joinder of complaints  
22 and parties as herein provided. However, all grievances to be  
23 inquired into must be plainly set forth in the complaint. No  
24 complaint may be dismissed because of the absence of direct damage to  
25 the complainant.

26 (3) Upon the filing of a complaint, the commission shall cause a  
27 copy thereof to be served upon the person or corporation complained  
28 of, which must be accompanied by a notice fixing the time when and  
29 place where a hearing will be had upon such complaint. The time fixed  
30 for such hearing may not be less than ten days after the date of the  
31 service of such notice and complaint, excepting as herein provided.  
32 The commission shall enter its final order with respect to a  
33 complaint filed by any entity or person other than the commission  
34 within ten months from the date of filing of the complaint, unless  
35 the date is extended for cause. Rules of practice and procedure not  
36 otherwise provided for in this title may be prescribed by the  
37 commission. Such rules may include the requirement that a complainant  
38 use informal processes before filing a formal complaint.

39 (4) (a) The commission may, as appropriate, audit a nonmunicipal  
40 water system upon receipt of an administrative order from the

1 department, or the city or county in which the water system is  
2 located, finding that the water delivered by a system does not meet  
3 state board of health standards adopted under RCW 43.20.050(2)(a) or  
4 standards adopted under chapters (~~70.116 and 70.119A~~) 70A.100 and  
5 70A.125 RCW, and the results of the audit must be provided to the  
6 requesting department, city, or county. However, the number of  
7 nonmunicipal water systems referred to the commission in any one  
8 calendar year shall not exceed twenty percent of the water companies  
9 subject to commission regulation as defined in RCW 80.04.010.

10 (b) Every nonmunicipal water system referred to the commission  
11 for audit under this section shall pay to the commission an audit fee  
12 in an amount, based on the system's twelve-month audited period,  
13 equal to the fee required to be paid by regulated companies under RCW  
14 80.24.010.

15 (5) Any customer or purchaser of service from a water system or  
16 company that is subject to commission regulation may file a complaint  
17 with the commission if he or she has reason to believe that the water  
18 delivered by the system to the customer does not meet state drinking  
19 water standards under chapter 43.20 or (~~70.116~~) 70A.100 RCW. The  
20 commission shall investigate such a complaint, and shall request that  
21 the state department of health or local health department of the  
22 county in which the system is located test the water for compliance  
23 with state drinking water standards, and provide the results of such  
24 testing to the commission. The commission may decide not to  
25 investigate the complaint if it determines that the complaint has  
26 been filed in bad faith, or for the purpose of harassment of the  
27 water system or company, or for other reasons has no substantial  
28 merit. The water system or company shall bear the expense for the  
29 testing. After the commission has received the complaint from the  
30 customer and during the pendency of the commission investigation, the  
31 water system or company may not take any steps to terminate service  
32 to the customer or to collect any amounts alleged to be owed to the  
33 company by the customer. The commission may issue an order or take  
34 any other action to ensure that no such steps are taken by the system  
35 or company. The customer may, at the customer's option and expense,  
36 obtain a water quality test by a licensed or otherwise qualified  
37 water testing laboratory, of the water delivered to the customer by  
38 the water system or company, and provide the results of such a test  
39 to the commission. If the commission determines that the water does  
40 not meet state drinking water standards, it shall exercise its

1 authority over the system or company as provided in this title, and  
2 may, where appropriate, order a refund to the customer on a pro rata  
3 basis for the substandard water delivered to the customer, and shall  
4 order reimbursement to the customer for the cost incurred by the  
5 customer, if any, in obtaining a water quality test.

6 **Sec. 95.** RCW 80.04.180 and 1989 c 207 s 3 are each amended to  
7 read as follows:

8 (1) The pendency of any writ of review shall not of itself stay  
9 or suspend the operation of the order of the commission, but the  
10 superior court in its discretion may restrain or suspend, in whole or  
11 in part, the operation of the commission's order pending the final  
12 hearing and determination of the suit.

13 (2) No order so restraining or suspending an order of the  
14 commission relating to rates, charges, tolls or rentals, or rules or  
15 regulations, practices, classifications or contracts affecting the  
16 same, shall be made by the superior court otherwise than upon three  
17 days' notice and after hearing. If a supersedeas is granted the order  
18 granting the same shall contain a specific finding, based upon  
19 evidence submitted to the court making the order, and identified by  
20 reference thereto, that great or irreparable damage would otherwise  
21 result to the petitioner, and specifying the nature of the damage. A  
22 water company seeking a supersedeas must demonstrate to the court  
23 that it is in compliance with the state board of health standards  
24 adopted pursuant to RCW 43.20.050 and chapter ((70.116)) 70A.100 RCW  
25 relating to the purity, volume, and pressure of water.

26 (3) In case the order of the commission under review is  
27 superseded by the court, it shall require a bond, with good and  
28 sufficient surety, conditioned that such company petitioning for such  
29 review shall answer for all damages caused by the delay in the  
30 enforcement of the order of the commission, and all compensation for  
31 whatever sums for transmission or service any person or corporation  
32 shall be compelled to pay pending the review proceedings in excess of  
33 the sum such person or corporations would have been compelled to pay  
34 if the order of the commission had not been suspended.

35 (4) The court may, in addition to or in lieu of the bond herein  
36 provided for, require such other or further security for the payment  
37 of such excess charges or damages as it may deem proper.

1       **Sec. 96.** RCW 80.28.030 and 2011 c 214 s 13 are each amended to  
2 read as follows:

3       (1) Whenever the commission finds, after such hearing, that the  
4 illuminating or heating power, purity or pressure of gas, the  
5 efficiency of electric lamp supply, the voltage of the current  
6 supplied for light, heat or power, the quality of wastewater company  
7 services, or the purity, quality, volume, and pressure of water,  
8 supplied by any gas company, electrical company, wastewater company,  
9 or water company, as the case may be, is insufficient, impure,  
10 inadequate or inefficient, it shall order such improvement in the  
11 manufacture, distribution or supply of gas, in the manufacture,  
12 transmission or supply of electricity, in the operation of the  
13 services and facilities of wastewater companies, or in the storage,  
14 distribution or supply of water, or in the methods employed by such  
15 gas company, electrical company, wastewater company, or water  
16 company, as will in its judgment be efficient, adequate, just and  
17 reasonable. Failure of a water company to comply with state board of  
18 health standards adopted under RCW 43.20.050(2)(a) or department  
19 standards adopted under chapter ((70.116)) 70A.100 RCW for purity,  
20 volume, and pressure is prima facie evidence that the water supplied  
21 is insufficient, impure, inadequate, or inefficient. Failure of a  
22 wastewater company to comply with standards and permit conditions  
23 adopted and implemented under chapter ((70.118B)) 70A.115 or 90.48  
24 RCW for treatment and disposal of sewerage, is prima facie evidence  
25 that the system of sewerage is insufficient, inadequate, or  
26 inefficient.

27       (2) In ordering improvements in the storage, distribution, or  
28 supply of water, the commission shall consult and coordinate with the  
29 department of health. In the event that a water company fails to  
30 comply with an order of the commission within the deadline specified  
31 in the order, the commission may request that the department petition  
32 the superior court of Thurston county to place the company in  
33 receivership pursuant to chapter 7.60 RCW.

34       (3) In ordering improvements to the system of sewerage, the  
35 commission shall consult and coordinate with the department of health  
36 or the department of ecology, as appropriate to the agencies'  
37 jurisdiction. In the event that a wastewater company fails to comply  
38 with an order of the commission within the deadline specified in the  
39 order, the commission may petition the superior court of Thurston

1 county to place the company in receivership pursuant to chapter 7.60  
2 RCW.

3 **Sec. 97.** RCW 80.28.110 and 2011 c 214 s 20 are each amended to  
4 read as follows:

5 Every gas company, electrical company, wastewater company, or  
6 water company, engaged in the sale and distribution of gas,  
7 electricity or water or the provision of wastewater company services,  
8 shall, upon reasonable notice, furnish to all persons and  
9 corporations who may apply therefor and be reasonably entitled  
10 thereto, suitable facilities for furnishing and furnish all available  
11 gas, electricity, wastewater company services, and water as demanded,  
12 except that a water company may not furnish water contrary to the  
13 provisions of water system plans approved under chapter 43.20 or  
14 (~~70.116~~) 70A.100 RCW and wastewater companies may not provide  
15 services contrary to the approved general sewer plan.

16 **Sec. 98.** RCW 80.70.010 and 2004 c 224 s 1 are each amended to  
17 read as follows:

18 The definitions in this section apply throughout this chapter  
19 unless the context clearly requires otherwise.

20 (1) "Applicant" has the meaning provided in RCW 80.50.020 and  
21 includes an applicant for a permit for a fossil-fueled thermal  
22 electric generation facility subject to RCW (~~70.94.152~~) 70A.15.2210  
23 and 80.70.020(1) (b) or (d).

24 (2) "Authority" means any air pollution control agency whose  
25 jurisdictional boundaries are coextensive with the boundaries of one  
26 or more counties.

27 (3) "Carbon credit" means a verified reduction in carbon dioxide  
28 or carbon dioxide equivalents that is registered with a state,  
29 national, or international trading authority or exchange that has  
30 been recognized by the council.

31 (4) "Carbon dioxide equivalents" means a metric measure used to  
32 compare the emissions from various greenhouse gases based upon their  
33 global warming potential.

34 (5) "Cogeneration credit" means the carbon dioxide emissions that  
35 the council, department, or authority, as appropriate, estimates  
36 would be produced on an annual basis by a stand-alone industrial and  
37 commercial facility equivalent in operating characteristics and



1 output to the industrial or commercial heating or cooling process  
2 component of the cogeneration plant.

3 (6) "Cogeneration plant" means a fossil-fueled thermal power  
4 plant in which the heat or steam is also used for industrial or  
5 commercial heating or cooling purposes and that meets federal energy  
6 regulatory commission standards for qualifying facilities under the  
7 public utility regulatory policies act of 1978.

8 (7) "Commercial operation" means the date that the first  
9 electricity produced by a facility is delivered for commercial sale  
10 to the power grid.

11 (8) "Council" means the energy facility site evaluation council  
12 created by RCW 80.50.030.

13 (9) "Department" means the department of ecology.

14 (10) "Fossil fuel" means natural gas, petroleum, coal, or any  
15 form of solid, liquid, or gaseous fuel derived from such material to  
16 produce heat for the generation of electricity.

17 (11) "Mitigation plan" means a proposal that includes the process  
18 or means to achieve carbon dioxide mitigation through use of  
19 mitigation projects or carbon credits.

20 (12) "Mitigation project" means one or more of the following:

21 (a) Projects or actions that are implemented by the certificate  
22 holder or order of approval holder, directly or through its agent, or  
23 by an independent qualified organization to mitigate the emission of  
24 carbon dioxide produced by the fossil-fueled thermal electric  
25 generation facility. This term includes but is not limited to the use  
26 of, energy efficiency measures, clean and efficient transportation  
27 measures, qualified alternative energy resources, demand side  
28 management of electricity consumption, and carbon sequestration  
29 programs;

30 (b) Direct application of combined heat and power (cogeneration);

31 (c) Verified carbon credits traded on a recognized trading  
32 authority or exchange; or

33 (d) Enforceable and permanent reductions in carbon dioxide or  
34 carbon dioxide equivalents through process change, equipment  
35 shutdown, or other activities under the control of the applicant and  
36 approved as part of a carbon dioxide mitigation plan.

37 (13) "Order of approval" means an order issued under RCW  
38 (~~70.94.152~~) 70A.15.2210 with respect to a fossil-fueled thermal  
39 electric generation facility subject to RCW 80.70.020(1) (b) or (d).

1 (14) "Permanent" means that emission reductions used to offset  
2 emission increases are assured for the life of the corresponding  
3 increase, whether unlimited or limited in duration.

4 (15) "Qualified alternative energy resource" has the same meaning  
5 as in RCW 19.29A.090.

6 (16) "Station generating capability" means the maximum load a  
7 generator can sustain over a given period of time without exceeding  
8 design limits, and measured using maximum continuous electric  
9 generation capacity, less net auxiliary load, at average ambient  
10 temperature and barometric pressure.

11 (17) "Total carbon dioxide emissions" means:

12 (a) For a fossil-fueled thermal electric generation facility  
13 described under RCW 80.70.020(1) (a) and (b), the amount of carbon  
14 dioxide emitted over a thirty-year period based on the manufacturer's  
15 or designer's guaranteed total net station generating capability, new  
16 equipment heat rate, an assumed sixty percent capacity factor for  
17 facilities under the council's jurisdiction or sixty percent of the  
18 operational limitations on facilities subject to an order of  
19 approval, and taking into account any enforceable limitations on  
20 operational hours or fuel types and use; and

21 (b) For a fossil-fueled thermal electric generation facility  
22 described under RCW 80.70.020(1) (c) and (d), the amount of carbon  
23 dioxide emitted over a thirty-year period based on the proposed  
24 increase in the amount of electrical output of the facility that  
25 exceeds the station generation capability of the facility prior to  
26 the applicant applying for certification or an order of approval  
27 pursuant to RCW 80.70.020(1) (c) and (d), new equipment heat rate, an  
28 assumed sixty percent capacity factor for facilities under the  
29 council's jurisdiction or sixty percent of the operational  
30 limitations on facilities subject to an order of approval, and taking  
31 into account any enforceable limitations on operational hours or fuel  
32 types and use.

33 **Sec. 99.** RCW 80.70.040 and 2004 c 224 s 4 are each amended to  
34 read as follows:

35 (1) The carbon dioxide mitigation option that provides for direct  
36 investment shall be implemented through mitigation projects conducted  
37 directly by, or under the control of, the certificate holder or order  
38 of approval holder.

1 (2) Mitigation projects must be approved by the council,  
2 department, or authority, as appropriate, and made a condition of the  
3 proposed and final site certification agreement or order of approval.  
4 Direct investment mitigation projects shall be approved if the  
5 mitigation projects provide a reasonable certainty that the  
6 performance requirements of the mitigation projects will be achieved  
7 and the mitigation projects were implemented after July 1, 2004. No  
8 certificate holder or order of approval holder shall be required to  
9 make direct investments that would exceed the cost of making a lump  
10 sum payment to a third party, had the certificate holder or order of  
11 approval holder chosen that option under RCW 80.70.020.

12 (3) Mitigation projects must be fully in place within a  
13 reasonable time after the start of commercial operation. Failure to  
14 implement an approved mitigation plan is subject to enforcement under  
15 chapter 80.50 or (~~70.94~~) 70A.15 RCW.

16 (4) The certificate holder or order of approval holder may not  
17 use more than twenty percent of the total funds for the selection,  
18 monitoring, and evaluation of mitigation projects and the management  
19 and enforcement of contracts.

20 (5) (a) For facilities under the jurisdiction of the council, the  
21 implementation of a carbon dioxide mitigation project, other than  
22 purchase of a carbon credit shall be monitored by an independent  
23 entity for conformance with the performance requirements of the  
24 carbon dioxide mitigation plan. The independent entity shall make  
25 available the mitigation project monitoring results to the council.

26 (b) For facilities under the jurisdiction of the department or  
27 authority pursuant to RCW 80.70.020(1) (b) or (c), the implementation  
28 of a carbon dioxide mitigation project, other than a purchase of  
29 carbon dioxide equivalent emission reduction credits, shall be  
30 monitored by the department or authority issuing the order of  
31 approval.

32 (6) Upon promulgation of federal requirements for carbon dioxide  
33 mitigation for fossil-fueled thermal electric generation facilities,  
34 those requirements may be deemed by the council, department, or  
35 authority to be equivalent and a replacement for the requirements of  
36 this section.

37 **Sec. 100.** RCW 81.04.010 and 2007 c 234 s 4 are each amended to  
38 read as follows:

1 As used in this title, unless specially defined otherwise or  
2 unless the context indicates otherwise:

3 (1) "Commission" means the utilities and transportation  
4 commission.

5 (2) "Commissioner" means one of the members of such commission.

6 (3) "Corporation" includes a corporation, company, association,  
7 or joint stock association.

8 (4) "Low-level radioactive waste site operating company" includes  
9 every corporation, company, association, joint stock association,  
10 partnership, and person, their lessees, trustees, or receivers  
11 appointed by any court whatsoever, owning, operating, controlling, or  
12 managing a low-level radioactive waste disposal site or sites located  
13 within the state of Washington.

14 (5) "Low-level radioactive waste" means low-level waste as  
15 defined by RCW (~~(43.145.010)~~) 70A.380.010.

16 (6) "Person" includes an individual, a firm, or copartnership.

17 (7) "Street railroad" includes every railroad by whatsoever power  
18 operated, or any extension or extensions, branch or branches thereof,  
19 for public use in the conveyance of persons or property for hire,  
20 being mainly upon, along, above, or below any street, avenue, road,  
21 highway, bridge, or public place within any one city or town, and  
22 includes all equipment, switches, spurs, tracks, bridges, right of  
23 trackage, subways, tunnels, stations, terminals, and terminal  
24 facilities of every kind used, operated, controlled, or owned by or  
25 in connection with any such street railroad, within this state.

26 (8) "Street railroad company" includes every corporation,  
27 company, association, joint stock association, partnership, and  
28 person, their lessees, trustees, or receivers appointed by any court  
29 whatsoever, and every city or town, owning, controlling, operating,  
30 or managing any street railroad or any cars or other equipment used  
31 thereon or in connection therewith within this state.

32 (9) "Railroad" includes every railroad, other than street  
33 railroad, by whatsoever power operated for public use in the  
34 conveyance of persons or property for hire, with all facilities and  
35 equipment, used, operated, controlled, or owned by or in connection  
36 with any such railroad.

37 (10) "Railroad company" includes every corporation, company,  
38 association, joint stock association, partnership, or person, their  
39 lessees, trustees, or receivers appointed by any court whatsoever,  
40 owning, operating, controlling, or managing any railroad or any cars

1 or other equipment used thereon or in connection therewith within  
2 this state.

3 (11) "Common carrier" includes all railroads, railroad companies,  
4 street railroads, street railroad companies, commercial ferries,  
5 motor freight carriers, auto transportation companies, charter party  
6 carriers and excursion service carriers, private nonprofit  
7 transportation providers, solid waste collection companies, household  
8 goods carriers, hazardous liquid pipeline companies, and every  
9 corporation, company, association, joint stock association,  
10 partnership, and person, their lessees, trustees, or receivers  
11 appointed by any court whatsoever, and every city or town, owning,  
12 operating, managing, or controlling any such agency for public use in  
13 the conveyance of persons or property for hire within this state.

14 (12) "Vessel" includes every species of watercraft, by whatsoever  
15 power operated, for public use in the conveyance of persons or  
16 property for hire over and upon the waters within this state,  
17 excepting all towboats, tugs, scows, barges, and lighters, and  
18 excepting rowboats and sailing boats under twenty gross tons burden,  
19 open steam launches of five tons gross and under, and vessels under  
20 five tons gross propelled by gas, fluid, naphtha, or electric motors.

21 (13) "Commercial ferry" includes every corporation, company,  
22 association, joint stock association, partnership, and person, their  
23 lessees, trustees, or receivers, appointed by any court whatsoever,  
24 owning, controlling, leasing, operating, or managing any vessel over  
25 and upon the waters of this state.

26 (14) "Transportation of property" includes any service in  
27 connection with the receiving, delivery, elevation, transfer in  
28 transit, ventilation, refrigeration, icing, storage, and handling of  
29 the property transported, and the transmission of credit.

30 (15) "Transportation of persons" includes any service in  
31 connection with the receiving, carriage, and delivery of persons  
32 transported and their baggage and all facilities used, or necessary  
33 to be used in connection with the safety, comfort, and convenience of  
34 persons transported.

35 (16) "Public service company" includes every common carrier.

36 (17) The term "service" is used in this title in its broadest and  
37 most inclusive sense.

38 **Sec. 101.** RCW 81.88.160 and 2020 c 32 s 3 are each amended to  
39 read as follows:

1 (1) Beginning March 15, 2021, and on an annual basis thereafter,  
2 each gas pipeline company must submit a report to the commission that  
3 includes:

4 (a) The total number of known leaks in pipelines owned by the gas  
5 pipeline company as of January 1st of the year the report is  
6 submitted;

7 (b) The total number of hazardous leaks eliminated or repaired  
8 during the previous one-year period ending December 31st;

9 (c) The total number of nonhazardous leaks eliminated or repaired  
10 during the previous one-year period ending December 31st;

11 (d) The total number of leaks scheduled for repair in the next  
12 one-year period beginning January 1st of the year the report is  
13 submitted. The data provided in this subsection (1)(d) does not  
14 obligate the gas pipeline company to repair all leaks scheduled for  
15 repair, nor does it prevent the gas pipeline company from  
16 prioritizing its repair schedule based on new information and newly-  
17 identified leaks.

18 (2) Natural gas leaks include all confirmed discoveries of  
19 unintentional leak events, including leaks from: Corrosion failure;  
20 natural force damage; excavation damage; other outside force damage;  
21 pipe, weld, or joint failure; equipment failure; or other causes.

22 (3) The commission may determine information requirements for the  
23 annual reports submitted under subsection (1) of this section  
24 including, but not limited to:

25 (a) The approximate date and location of each leak from the gas  
26 pipeline system detected by the company during its routine course of  
27 inspection;

28 (b) The approximate date and location of each leak caused by  
29 third-party excavation or other causes not attributable to the normal  
30 operation or inspection practices of the company;

31 (c) Whether the reported leaks are included as part of a filing  
32 submitted and approved by the commission under RCW 80.28.420;

33 (d) The volume of each leak, measured in carbon dioxide  
34 equivalents and thousands of cubic feet, except that where an exact  
35 volume of gas leaked cannot be identified, a gas pipeline company may  
36 provide its best approximation;

37 (e) Whether the identified cause of each leak was from: Corrosion  
38 failure; natural force damage; excavation damage; other outside force  
39 damage; pipe, weld, or joint failure; equipment failure; or other  
40 causes;

1 (f) The estimated market value of lost gas and the methodology  
2 used to measure the loss of gas; and

3 (g) Any additional information required in an order approved by  
4 the commission.

5 (4) The commission must use the data reported by gas pipeline  
6 companies under this section, as well as other data reported by gas  
7 pipeline companies to the commission and to the department of  
8 ecology, to estimate the volume of leaked gas and associated  
9 greenhouse gas emissions from operational practices in the state. The  
10 commission may request additional information by order.

11 (5) By March 31, 2021, and on an annual basis thereafter, the  
12 commission must provide on its public internet web site aggregate  
13 data, as submitted by gas pipeline companies under this section,  
14 concerning the volume and causes of gas leaks.

15 (6) By March 31, 2021, and on an annual basis thereafter, the  
16 commission must transmit to the department of ecology information on  
17 gas leakage in the state, as submitted by gas pipeline companies  
18 under this section.

19 (7) Those portions of reports submitted by gas pipeline companies  
20 to the commission under this section that contain proprietary data,  
21 trade secrets, or if disclosure would adversely affect public safety,  
22 are exempt from public inspection and copying under chapter 42.56  
23 RCW.

24 (8) For the purposes of this section, "carbon dioxide  
25 equivalents" has the same meaning as provided in RCW ((70.235.010))  
26 70A.45.010.

27 (9) Nothing in this section may be construed to preempt the  
28 process by which a gas pipeline company is required to petition  
29 relevant state or local authorities when seeking to expand the  
30 capacity of the company's gas transmission or distribution lines.

31 **Sec. 102.** RCW 90.44.105 and 1997 c 446 s 1 are each amended to  
32 read as follows:

33 Upon the issuance by the department of an amendment to the  
34 appropriate permit or certificate of groundwater right, the holder of  
35 a valid right to withdraw public groundwaters may consolidate that  
36 right with a groundwater right exempt from the permit requirement  
37 under RCW 90.44.050, without affecting the priority of either of the  
38 water rights being consolidated. Such a consolidation amendment shall  
39 be issued only after publication of a notice of the application, a

1 comment period, and a determination made by the department, in lieu  
2 of meeting the conditions required for an amendment under RCW  
3 90.44.100, that: (1) The exempt well taps the same body of public  
4 groundwater as the well to which the water right of the exempt well  
5 is to be consolidated; (2) use of the exempt well shall be  
6 discontinued upon approval of the consolidation amendment to the  
7 permit or certificate; (3) legally enforceable agreements have been  
8 entered to prohibit the construction of another exempt well to serve  
9 the area previously served by the exempt well to be discontinued, and  
10 such agreements are binding upon subsequent owners of the land  
11 through appropriate binding limitations on the title to the land; (4)  
12 the exempt well or wells the use of which is to be discontinued will  
13 be properly decommissioned in accordance with chapter 18.104 RCW and  
14 the rules of the department; and (5) other existing rights, including  
15 ground and surface water rights and minimum streamflows adopted by  
16 rule, shall not be impaired. The notice shall be published by the  
17 applicant in a newspaper of general circulation in the county or  
18 counties in which the wells for the rights to be consolidated are  
19 located once a week for two consecutive weeks. The applicant shall  
20 provide evidence of the publication of the notice to the department.  
21 The comment period shall be for thirty days beginning on the date the  
22 second notice is published.

23 The amount of the water to be added to the holder's permit or  
24 certificate upon discontinuance of the exempt well shall be the  
25 average withdrawal from the well, in gallons per day, for the most  
26 recent five-year period preceding the date of the application, except  
27 that the amount shall not be less than eight hundred gallons per day  
28 for each residential connection or such alternative minimum amount as  
29 may be established by the department in consultation with the  
30 department of health, and shall not exceed five thousand gallons per  
31 day. The department shall presume that an amount identified by the  
32 applicant as being the average withdrawal from the well during the  
33 most recent five-year period is accurate if the applicant establishes  
34 that the amount identified for the use or uses of water from the  
35 exempt well is consistent with the average amount of water used for  
36 similar use or uses in the general area in which the exempt well is  
37 located. The department shall develop, in consultation with the  
38 department of health, a schedule of average household and small-area  
39 landscaping water usages in various regions of the state to aid the  
40 department and applicants in identifying average amounts used for



1 these purposes. The presumption does not apply if the department  
2 finds credible evidence of nonuse of the well during the required  
3 period or credible evidence that the use of water from the exempt  
4 well or the intensity of the use of the land supported by water from  
5 the exempt well is substantially different than such uses in the  
6 general area in which the exempt well is located. The department  
7 shall also accord a presumption in favor of approval of such  
8 consolidation if the requirements of this subsection are met and the  
9 discontinuance of the exempt well is consistent with an adopted  
10 coordinated water system plan under chapter ~~((70.116))~~ 70A.100 RCW,  
11 an adopted comprehensive land use plan under chapter 36.70A RCW, or  
12 other comprehensive watershed management plan applicable to the area  
13 containing an objective of decreasing the number of existing and  
14 newly developed small groundwater withdrawal wells. The department  
15 shall provide a priority to reviewing and deciding upon applications  
16 subject to this subsection, and shall make its decision within sixty  
17 days of the end of the comment period following publication of the  
18 notice by the applicant or within sixty days of the date on which  
19 compliance with the state environmental policy act, chapter 43.21C  
20 RCW, is completed, whichever is later. The applicant and the  
21 department may by prior mutual agreement extend the time for making a  
22 decision.

23 **Sec. 103.** RCW 26.51.020 and 2020 c 311 s 2 are each amended to  
24 read as follows:

25 The definitions in this section apply throughout this chapter  
26 unless the context clearly requires otherwise.

27 (1) "Abusive litigation" means litigation where the following  
28 apply:

29 (a)(i) The opposing parties have a current or former intimate  
30 partner relationship;

31 (ii) The party who is filing, initiating, advancing, or  
32 continuing the litigation has been found by a court to have committed  
33 domestic violence against the other party pursuant to: (A) An order  
34 entered under ~~((this))~~ chapter 26.50 RCW; (B) a parenting plan with  
35 restrictions based on RCW 26.09.191(2)(a)(iii); or (C) a restraining  
36 order entered under chapter 26.09, 26.26, or 26.26A RCW, provided  
37 that the issuing court made a specific finding that the restraining  
38 order was necessary due to domestic violence; and

1 (iii) The litigation is being initiated, advanced, or continued  
2 primarily for the purpose of harassing, intimidating, or maintaining  
3 contact with the other party; and

4 (b) At least one of the following factors apply:

5 (i) Claims, allegations, and other legal contentions made in the  
6 litigation are not warranted by existing law or by a reasonable  
7 argument for the extension, modification, or reversal of existing  
8 law, or the establishment of new law;

9 (ii) Allegations and other factual contentions made in the  
10 litigation are without the existence of evidentiary support; or

11 (iii) An issue or issues that are the basis of the litigation  
12 have previously been filed in one or more other courts or  
13 jurisdictions and the actions have been litigated and disposed of  
14 unfavorably to the party filing, initiating, advancing, or continuing  
15 the litigation.

16 (2) "Intimate partner" is defined in RCW 26.50.010.

17 (3) "Litigation" means any kind of legal action or proceeding  
18 including, but not limited to: (~~(i)-(a)~~) (a) Filing a summons,  
19 complaint, demand, or petition; (~~(ii)-(b)~~) (b) serving a summons,  
20 complaint, demand, or petition, regardless of whether it has been  
21 filed; (~~(iii)-(c)~~) (c) filing a motion, notice of court date,  
22 note for motion docket, or order to appear; (~~(iv)-(d)~~) (d)  
23 serving a motion, notice of court date, note for motion docket, or  
24 order to appear, regardless of whether it has been filed or  
25 scheduled; (~~(v)-(e)~~) (e) filing a subpoena, subpoena duces tecum,  
26 request for interrogatories, request for production, notice of  
27 deposition, or other discovery request; or (~~(vi)-(f)~~) (f) serving  
28 a subpoena, subpoena duces tecum, request for interrogatories,  
29 request for production, notice of deposition, or other discovery  
30 request.

31 (4) "Perpetrator of abusive litigation" means a person who files,  
32 initiates, advances, or continues litigation in violation of an order  
33 restricting abusive litigation.

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