

SHB 2207 - H AMD 919

By Representative Ramos

ADOPTED 02/12/2024

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that, despite a
4 modern waste disposal infrastructure, the occurrences of unlawful
5 solid waste dumping are an increasing problem on open spaces such as
6 privately and publicly owned forestlands. This irresponsible waste
7 dumping, which often includes hazardous materials, asbestos, derelict
8 boats, junk vehicles, appliances, furniture, and household garbage
9 not only creates significant costs for the landowner, but also
10 creates immediate, and sometimes lasting, environmental and habitat
11 damage and degradation of recreational and aesthetic opportunities.

12 (2) The legislature further finds that the current enforcement
13 system, which relies on the criminalization of illegal dumping, may
14 not be the most effective, efficient, or just penalty system.
15 Converting all but the most egregious illegal dumping from a criminal
16 act to a civil infraction creates a system of deterrence and
17 penalties that better reflects the magnitude of the act, avoids
18 criminal records for individuals who may be unable to afford
19 appropriate waste management options, and reduces the burden on local
20 criminal justice systems and infrastructures.

21 (3) The legislature further finds that appropriate waste disposal
22 can create a financial barrier for some individuals. In an effort to
23 divert illegal dumping, a portion of the existing litter cleanup
24 restitution payment should be diverted from direct payments to
25 landowners to funding efforts to mitigate the costs of proper
26 disposal, restitution, or environmental damages.

27 **Sec. 2.** RCW 70A.200.060 and 2003 c 337 s 3 are each amended to
28 read as follows:

29 (1) It is a violation of this section to (~~abandon~~):

30 (a) Abandon a junk vehicle upon any property(~~. In addition, no~~
31 ~~person shall throw~~);

1 **(b)** Throw, drop, deposit, discard, or otherwise dispose of litter
2 upon any public property in the state or upon private property in
3 this state not owned by him or her or in the waters of this state
4 whether from a vehicle or otherwise including but not limited to any
5 public highway, public park, beach, campground, forestland,
6 recreational area, trailer park, highway, road, street, or alley
7 except:

8 ~~((a))~~ (i) When the property is designated by the state or its
9 agencies or political subdivisions for the disposal of garbage and
10 refuse, and the person is authorized to use such property for that
11 purpose;

12 ~~((b))~~ (ii) Into a litter receptacle in a manner that will
13 prevent litter from being carried away or deposited by the elements
14 upon any part of the private or public property or waters.

15 (2) ~~((a))~~ Except as provided in subsection ~~((4))~~ (7) of this
16 section, it is a class 3 civil infraction as provided in RCW 7.80.120
17 for a person to litter in an amount less than or equal to one cubic
18 foot.

19 ~~((b))~~ (3) It is a ~~((misdemeanor for a person to litter in an
20 amount greater than one cubic foot but less than one cubic yard.~~

21 ~~The person shall also pay a litter cleanup restitution payment
22 equal to twice the actual cost of cleanup, or fifty dollars per cubic
23 foot of litter, whichever is greater. The court shall distribute one-
24 half of the restitution payment to the landowner)) natural resource
25 infraction under chapter 7.84 RCW for a person to litter in an amount
26 greater than one cubic foot but less than 10 cubic yards and a gross
27 misdemeanor for a person to litter more than 10 cubic yards.~~

28 (4)(a) A person found liable under this section shall, in
29 addition to the penalties provided for gross misdemeanors, or for
30 natural resource infractions as provided in RCW 7.84.100, also pay a
31 litter cleanup restitution payment equal to four times the actual
32 cost of cleanup. The court shall distribute one-half of the
33 restitution payment to the waste reduction, recycling, and litter
34 control account created in RCW 70A.200.140 and one-half of the
35 restitution payment to the law enforcement agency investigating the
36 incident.

37 **(b)** The court may, in addition to or in lieu of part or all of
38 the cleanup restitution payment, order the person to pick up and
39 remove litter from the property, with prior permission of the legal

1 owner or, in the case of public property, of the agency managing the
2 property.

3 (c) The court may suspend or modify the litter cleanup
4 restitution payment for a first-time offender under this section, if
5 the person cleans up and properly disposes of the litter.

6 ~~((c) It is a gross misdemeanor for a person to litter in an
7 amount of one cubic yard or more. The person shall also pay a litter
8 cleanup restitution payment equal to twice the actual cost of
9 cleanup, or one hundred dollars per cubic foot of litter, whichever
10 is greater. The court shall distribute one-half of the restitution
11 payment to the landowner and one-half of the restitution payment to
12 the law enforcement agency investigating the incident. The court may,
13 in addition to or in lieu of part or all of the cleanup restitution
14 payment, order the person to pick up and remove litter from the
15 property, with prior permission of the legal owner or, in the case of
16 public property, of the agency managing the property. The court may
17 suspend or modify the litter cleanup restitution payment for a first-
18 time offender under this section, if the person cleans up and
19 properly disposes of the litter.~~

20 ~~(d))~~ (5) If a junk vehicle is abandoned in violation of this
21 section, RCW 46.55.230 governs the vehicle's removal, disposal, and
22 sale, and the penalties that may be imposed against the person who
23 abandoned the vehicle.

24 ~~((3))~~ (6) If the violation occurs in a state park, the court
25 shall, in addition to any other penalties assessed, order the person
26 to perform ~~((twenty-four))~~ 24 hours of community restitution in the
27 state park where the violation occurred if the state park has stated
28 an intent to participate as provided in RCW 79A.05.050.

29 ~~((4))~~ (7) It is a class 1 civil infraction as provided in RCW
30 7.80.120 for a person to discard, in violation of this section,
31 potentially dangerous litter in any amount.

32 **Sec. 3.** RCW 7.84.100 and 2020 c 268 s 1 are each amended to read
33 as follows:

34 (1) A person found to have committed an infraction shall be
35 assessed a monetary penalty. No penalty may exceed ~~((five hundred
36 dollars))~~ \$500 for each offense unless specifically authorized by
37 statute.

38 (2) The supreme court may prescribe by rule a schedule of
39 monetary penalties for designated infractions. The legislature

1 requests the supreme court to adjust this schedule every two years
2 for inflation. ((The)) Except as otherwise provided, the maximum
3 penalty imposed by the schedule shall be ((five hundred dollars))
4 \$500 per infraction and the minimum penalty imposed by the schedule
5 shall be ((ten dollars)) \$10 per infraction. This schedule may be
6 periodically reviewed by the legislature and is subject to its
7 revision.

8 (3) Penalties for violations of RCW 70A.200.060 that are natural
9 resource infractions are as follows:

10 (a) Up to \$250 for a person found liable of littering between one
11 cubic foot and one cubic yard of material;

12 (b) Up to \$750 for a person found liable of littering more than
13 one cubic yard and less than seven cubic yards of material;

14 (c) Up to \$1,000 for a person found liable of littering between
15 seven and 10 cubic yards of material.

16 (4) Whenever a monetary penalty is imposed by a court under this
17 chapter, it is immediately payable. If the person is unable to pay at
18 that time, the court may, in its discretion, grant an extension of
19 the period in which the penalty may be paid.

20 ((4)) (5)(a) The county treasurer shall remit ((seventy-five))
21 75 percent of the money received under RCW 79A.80.080(5) to the state
22 treasurer.

23 (b) Money remitted under this subsection to the state treasurer
24 must be deposited in the recreation access pass account established
25 under RCW 79A.80.090. The balance of the noninterest money received
26 by the county treasurer must be deposited in the county current
27 expense fund.

28 **Sec. 4.** RCW 70A.200.140 and 2022 c 297 s 963 are each amended to
29 read as follows:

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

35 (a) ((Forty)) 40 percent of receipts from taxes imposed in RCW
36 82.19.010 to the department of ecology, primarily for use by the
37 departments of ecology, natural resources, revenue, transportation,
38 and corrections, and the parks and recreation commission, for litter
39 collection programs under RCW 70A.200.170. The amount to the

1 department of ecology shall also be used for a central coordination
2 function for litter control efforts statewide; to support employment
3 of youth in litter cleanup as intended in RCW 70A.200.020, and for
4 litter pick up using other authorized agencies; and for statewide
5 public awareness programs under RCW 70A.200.150(7). The amount to the
6 department shall also be used to defray the costs of administering
7 the funding, coordination, and oversight of local government programs
8 for waste reduction, litter control, recycling, and composting so
9 that local governments can apply one hundred percent of their funding
10 to achieving program goals. The amount to the department of revenue
11 shall be used to enforce compliance with the litter tax imposed in
12 chapter 82.19 RCW;

13 (b) (i) (~~Twenty~~) 20 percent of receipts from taxes imposed in
14 RCW 82.19.010 to the department for local government funding programs
15 for waste reduction, litter control, recycling activities, and
16 composting activities by cities and counties under RCW 70A.200.190,
17 to be administered by the department of ecology; (ii) any unspent
18 funds under (b) (i) of this subsection may be used to create and pay
19 for a matching fund competitive grant program to be used by local
20 governments for the development and implementation of contamination
21 reduction and outreach plans for inclusion in comprehensive solid
22 waste management plans or by local governments and nonprofit
23 organizations for local or statewide education programs designed to
24 help the public with litter control, waste reduction, recycling, and
25 composting of primarily the products taxed under chapter 82.19 RCW.
26 Recipients under this subsection include programs to reduce wasted
27 food and food waste that are designed to achieve the goals
28 established in RCW 70A.205.715(1) and that are consistent with the
29 plan developed in RCW 70A.205.715(3). Grants must adhere to the
30 following requirements: (A) No grant may exceed (~~sixty thousand~~
31 ~~dollars~~) \$60,000; (B) grant recipients shall match the grant funding
32 allocated by the department by an amount equal to (~~twenty-five~~) 25
33 percent of eligible expenses. A local government's share of these
34 costs may be met by cash or contributed services; (C) the obligation
35 of the department to make grant payments is contingent upon the
36 availability of the amount of money appropriated for this subsection
37 (1) (b); and (D) grants are managed under the guidelines for existing
38 grant programs; (~~and~~)

39 (c) (~~Forty~~) 40 percent of receipts from taxes imposed in RCW
40 82.19.010 to the department of ecology to: (i) Implement activities

1 under RCW 70A.200.150 for waste reduction, recycling, and composting
2 efforts; (ii) provide technical assistance to local governments and
3 commercial businesses to increase recycling markets and recycling and
4 composting programs primarily for the products taxed under chapter
5 82.19 RCW designed to educate citizens about waste reduction, litter
6 control, and recyclable and compostable products and programs; (iii)
7 increase access to waste reduction, composting, and recycling
8 programs, particularly for food packaging and plastic bags and
9 appropriate composting techniques; and (iv) for programs to reduce
10 wasted food and food waste that are designed to achieve the goals
11 established in RCW 70A.205.715(1) and that are consistent with the
12 plan developed in RCW 70A.205.715(3); and

13 (d) 100 percent of receipts from litter cleanup restitution
14 payments as provided in RCW 70A.200.060(4) and of fines and bail
15 forfeitures received under this chapter, in addition to any
16 legislative appropriations made to the account for these specific
17 purposes, to the department to award grants to local governments or
18 nonprofit organizations designed to reduce illegal dumping on public
19 or private forestlands or other open spaces. The grants must be
20 awarded for project descriptions aimed at reducing outdoor dumping or
21 reducing the cost of legal waste disposal, such as education
22 campaigns, free or reduced-cost collection days, income-based waste
23 disposal coupons or vouchers, communication and funding partnerships
24 with other entities such as landowners or collection companies,
25 funding emphasis enforcement, funding information rewards, mitigation
26 money to assist landowners with removing large items or a substantial
27 quantity of illegally dumped material, and other measures reasonably
28 targeted at reducing illegal dumping. The department may implement
29 this subsection (1)(d) by including any funding and activities in
30 existing or related programs managed by the department and may use a
31 portion of receipts from the litter cleanup restitution payments for
32 administration of the grants required by this section.

33 (2) All taxes imposed in RCW 82.19.010 (~~and fines and bail~~
34 ~~forfeitures~~)) collected or received pursuant to this chapter shall be
35 deposited in the waste reduction, recycling, and litter control
36 account and used for the programs under subsection (1)(a) through (c)
37 of this section. Except as provided in this chapter and chapters 7.80
38 and 7.84 RCW, all fines and bail forfeitures collected or received
39 pursuant to this chapter must be deposited in the waste reduction,

1 recycling, and litter control account and used for the programs under
2 subsection (1)(d) of this section.

3 (3) Not less than five percent and no more than ~~((ten))~~ 10
4 percent of the amount appropriated into the waste reduction,
5 recycling, and litter control account every biennium shall be
6 reserved for capital needs, including the purchase of vehicles for
7 transporting crews and for collecting litter and solid waste. Capital
8 funds shall be distributed among state agencies and local governments
9 according to the same criteria provided in RCW 70A.200.170 for the
10 remainder of the funds, so that the most effective waste reduction,
11 litter control, recycling, and composting programs receive the most
12 funding. The intent of this subsection is to provide funds for the
13 purchase of equipment that will enable the department to account for
14 the greatest return on investment in terms of reaching a zero litter
15 goal.

16 (4) Funds in the waste reduction, recycling, and litter control
17 account, collected under chapter 82.19 RCW, must be prioritized for
18 the products identified under RCW 82.19.020 solely for the purposes
19 of recycling, composting, and litter collection, reduction, and
20 control programs.

21 ~~((5) During the 2021-2023 fiscal biennium, Washington State~~
22 ~~University may use funds in the waste reduction, recycling, and~~
23 ~~litter control account, collected under chapter 82.19 RCW, to conduct~~
24 ~~an organic waste study.~~

25 ~~(6) During the 2021-2023 fiscal biennium, and as an exception to~~
26 ~~the distribution of expenditures otherwise required in this section,~~
27 ~~the department of ecology may use funds in the waste reduction,~~
28 ~~recycling, and litter control account to continue a series of food~~
29 ~~waste reduction campaigns, to continue to invest in litter prevention~~
30 ~~campaigns, to conduct a recycling study, and to increase litter~~
31 ~~control on state highways.))~~

32 **Sec. 5.** RCW 70A.305.180 and 2023 c 475 s 940 are each amended to
33 read as follows:

34 (1) The model toxics control operating account is hereby created
35 in the state treasury.

36 (2) Moneys in the model toxics control operating account must be
37 used only to carry out the purposes of this chapter, including but
38 not limited to the following:

1 (a) The state's responsibility for hazardous waste planning,
2 management, regulation, enforcement, technical assistance, and public
3 education required under chapter 70A.300 RCW;

4 (b) The state's responsibility for solid waste planning,
5 management, regulation, enforcement, technical assistance, and public
6 education required under chapter 70A.205 RCW;

7 (c) The hazardous waste clean-up program required under this
8 chapter;

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

10 (e) Financial assistance for local programs and plans, including
11 local solid waste financial assistance, in accordance with chapters
12 70A.405, 70A.205, 70A.214, 70A.224, and 70A.300 RCW;

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

16 (g) Oil and hazardous materials spill prevention, preparedness,
17 training, and response activities;

18 (h) Water and environmental health protection and monitoring
19 programs;

20 (i) Programs authorized under chapter 70A.135 RCW;

21 (j) A public participation program;

22 (k) Development and demonstration of alternative management
23 technologies designed to carry out the hazardous waste management
24 priorities of RCW 70A.300.260;

25 (l) State agriculture and health programs for the safe use,
26 reduction, recycling, or disposal of pesticides;

27 (m) Funding requirements to maintain receipt of federal funds
28 under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et
29 seq.);

30 (n) Air quality programs and actions for reducing public exposure
31 to toxic air pollution;

32 (o) Petroleum-based plastic or expanded polystyrene foam debris
33 clean-up activities in fresh or marine waters; and

34 (p) For the 2021-2023 fiscal biennium, and solely to continue the
35 policy of previous biennia, forest practices at the department of
36 natural resources.

37 (3) Except for unanticipated receipts under RCW 43.79.260 through
38 43.79.282, moneys in model toxics control operating account may be
39 spent only after appropriation by statute.

1 (4) One percent of the moneys collected under RCW 82.21.030, plus
2 any additional amounts appropriated by the legislature, must be
3 allocated only for public participation grants to persons who may be
4 adversely affected by a release or threatened release of a hazardous
5 substance and to not-for-profit public interest organizations. The
6 primary purpose of these grants is to facilitate the participation by
7 persons and organizations in the investigation and remedying of
8 releases or threatened releases of hazardous substances and to
9 implement the state's solid and hazardous waste management
10 priorities. Eligible grants may include efforts to reduce illegal
11 dumping of hazardous materials or petroleum-containing products on
12 public and private land. No grant may exceed ((sixty thousand
13 dollars)) \$60,000. Grants may be renewed annually. Moneys
14 appropriated for public participation that are not expended at the
15 close of any biennium revert to the model toxics control operating
16 account.

17 (5) The department must adopt rules for grant or loan issuance
18 and performance.

19 (6) During the 2023-2025 fiscal biennium, the legislature may
20 direct the state treasurer to make transfers of moneys in the model
21 toxics control operating account to the state general fund.

22 **Sec. 6.** RCW 7.84.140 and 2011 c 320 s 13 are each amended to
23 read as follows:

24 (1) The director chosen by the state parks and recreation
25 commission, the commissioner of public lands, and the director of the
26 department of fish and wildlife are each authorized to delegate and
27 accept enforcement authority over natural resource infractions to or
28 from the other agencies through an agreement entered into under the
29 interlocal cooperation act, chapter 39.34 RCW.

30 (2) Any person specified in RCW 70A.200.050 may initiate
31 enforcement of RCW 70A.200.060 for those infractions that are natural
32 resource infractions under this chapter, with or without an
33 interlocal agreement under this section.

34 **Sec. 7.** RCW 7.84.020 and 2012 c 176 s 2 are each amended to read
35 as follows:

36 The definition in this section applies throughout this chapter
37 unless the context clearly requires otherwise.

1 "Infraction" means an offense which, by the terms of Title 76,
2 77, 79, or 79A RCW or RCW 7.84.030(2)(b) or 70A.200.060, and rules
3 adopted under these titles and sections, is declared not to be a
4 criminal offense or a civil infraction and is subject to the
5 provisions of this chapter.

6 **Sec. 8.** RCW 70A.200.070 and 1996 c 263 s 2 are each amended to
7 read as follows:

8 The director may prescribe the procedures for the collection of
9 penalties, costs, and other charges allowed by chapters 7.80 and 7.84
10 RCW for violations of this chapter. Any person specified in RCW
11 70A.200.050 that is also a general peace officer authorized to take
12 actions specified in RCW 7.84.030, including detentions for a
13 reasonable period and investigations, may take those actions with
14 respect to littering infractions under this chapter."

15 Correct the title.

EFFECT: (1) Removes the department of natural resources
terrestrial derelict vessel removal pilot project;

(2) Eliminates the 0.25 percent increase of moneys collected from
the pollution tax that is appropriated to the model toxics control
operating account (MTCA) during the 2025 to 2027 and 2027 to 2029
fiscal biennia for the purpose of public participation grants to
combat illegal dumping of hazardous materials and petroleum-
containing products;

(3) Includes efforts to combat illegal dumping of hazardous
materials and petroleum-containing products among eligible MTCA
public participation grants; and

(4) Clarifies that general peace officers authorized to take
actions, including detentions, specified for natural resource
infraction enforcement may take those actions with respect to
enforcement of littering infractions.

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