
HOUSE BILL 2207

State of Washington

68th Legislature

2024 Regular Session

By Representatives Ramos, Low, Chapman, Couture, and Reed

Read first time 01/09/24. Referred to Committee on Environment & Energy.

1 AN ACT Relating to providing tools designed to reduce the impacts
2 of unlawful solid waste dumping; amending RCW 70A.200.060, 7.84.100,
3 70A.200.140, 70A.305.180, and 79.100.030; reenacting and amending RCW
4 79.100.010; adding a new section to chapter 79.100 RCW; and creating
5 a new section.

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

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

16 (2) The legislature further finds that the current enforcement
17 system, which relies on the criminalization of illegal dumping, may
18 not be the most effective, efficient, or just penalty system.
19 Converting illegal dumping from a criminal act to a civil infraction
20 creates a system of deterrence and penalties that better reflects the
21 magnitude of the act, avoids criminal records for individuals who may

1 be unable to afford appropriate waste management options, and reduces
2 the burden on local criminal justice systems and infrastructures.

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

9 (4) The legislature further finds that landowners often discover
10 derelict and abandoned maritime vessels on forestlands and other
11 upland areas. These vessels often create an environmental hazard and
12 always create a significant disposal cost for the landowner. The
13 department of natural resources has administered a successful and
14 legally tested vessel removal program for two decades. However, that
15 program is limited to vessels found on or above aquatic lands. New or
16 expanded tools are required for vessel owners avoiding the penalties
17 inherent in the existing derelict vessel program by unlawfully
18 disposing of their vessels on dry land.

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

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

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

24 (b) Throw, drop, deposit, discard, or otherwise dispose of litter
25 upon any public property in the state or upon private property in
26 this state not owned by him or her or in the waters of this state
27 whether from a vehicle or otherwise including but not limited to any
28 public highway, public park, beach, campground, forestland,
29 recreational area, trailer park, highway, road, street, or alley
30 except:

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

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

38 (2) ~~((a))~~ Except as provided in subsection ~~((4))~~ (7) of this
39 section, it is a class 3 civil infraction as provided in RCW 7.80.120

1 for a person to litter in an amount less than or equal to (~~one cubic~~
2 ~~foot~~) 50 pounds.

3 (~~(b)~~) (3) It is a (~~misdemeanor~~) natural resource infraction
4 under chapter 7.84 RCW for a person to litter in an amount greater
5 than (~~one cubic foot but less than one cubic yard~~) 50 pounds.

6 (~~The person shall~~) (4)(a) A person found liable under this
7 section shall, in addition to the penalties provided in RCW 7.84.100,
8 also pay a litter cleanup restitution payment equal to (~~twice~~) four
9 times the actual cost of cleanup(~~, or fifty dollars per cubic foot~~
10 ~~of litter, whichever is greater~~). The court shall distribute one-
11 half of the restitution payment to the (~~landowner~~) waste reduction,
12 recycling, and litter control account created in RCW 70A.200.140 and
13 one-half of the restitution payment to the law enforcement agency
14 investigating the incident.

15 (b) The court may, in addition to or in lieu of part or all of
16 the cleanup restitution payment, order the person to pick up and
17 remove litter from the property, with prior permission of the legal
18 owner or, in the case of public property, of the agency managing the
19 property.

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

23 (~~(c)~~ It is a gross misdemeanor for a person to litter in an
24 amount of one cubic yard or more. The person shall also pay a litter
25 cleanup restitution payment equal to twice the actual cost of
26 cleanup, or one hundred dollars per cubic foot of litter, whichever
27 is greater. The court shall distribute one-half of the restitution
28 payment to the landowner and one-half of the restitution payment to
29 the law enforcement agency investigating the incident. The court may,
30 in addition to or in lieu of part or all of the cleanup restitution
31 payment, order the person to pick up and remove litter from the
32 property, with prior permission of the legal owner or, in the case of
33 public property, of the agency managing the property. The court may
34 suspend or modify the litter cleanup restitution payment for a first-
35 time offender under this section, if the person cleans up and
36 properly disposes of the litter.

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

1 (~~(3)~~) (6) If the violation occurs in a state park, the court
2 shall, in addition to any other penalties assessed, order the person
3 to perform (~~(twenty-four)~~) 24 hours of community restitution in the
4 state park where the violation occurred if the state park has stated
5 an intent to participate as provided in RCW 79A.05.050.

6 (~~(4)~~) (7) It is a class 1 civil infraction as provided in RCW
7 7.80.120 for a person to discard, in violation of this section,
8 potentially dangerous litter in any amount.

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

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

15 (2) The supreme court may prescribe by rule a schedule of
16 monetary penalties for designated infractions. The legislature
17 requests the supreme court to adjust this schedule every two years
18 for inflation. (~~(The)~~) Except as otherwise provided, the maximum
19 penalty imposed by the schedule shall be (~~(five-hundred-dollars)~~)
20 \$500 per infraction and the minimum penalty imposed by the schedule
21 shall be (~~(ten-dollars)~~) \$10 per infraction. This schedule may be
22 periodically reviewed by the legislature and is subject to its
23 revision.

24 (3) Penalties for violations of RCW 70A.200.060 are as follows:

25 (a) Up to \$250 for a person found liable of littering less than
26 500 pounds of material;

27 (b) Up to \$750 for a person found liable of littering more than
28 500 pounds and less than 1,000 pounds of material;

29 (c) Up to \$1,000 for a person found liable of littering more than
30 1,000 pounds of material.

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

35 (~~(4)~~) (5)(a) The county treasurer shall remit (~~(seventy-five)~~)
36 75 percent of the money received under RCW 79A.80.080(5) to the state
37 treasurer.

38 (b) Money remitted under this subsection to the state treasurer
39 must be deposited in the recreation access pass account established

1 under RCW 79A.80.090. The balance of the noninterest money received
2 by the county treasurer must be deposited in the county current
3 expense fund.

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

6 (1) There is hereby created an account within the state treasury
7 to be known as the waste reduction, recycling, and litter control
8 account. Moneys in the account may be spent only after appropriation.
9 Expenditures from the waste reduction, recycling, and litter control
10 account shall be used as follows:

11 (a) (~~Forty~~) 40 percent of receipts from taxes imposed in RCW
12 82.19.010 to the department of ecology, primarily for use by the
13 departments of ecology, natural resources, revenue, transportation,
14 and corrections, and the parks and recreation commission, for litter
15 collection programs under RCW 70A.200.170. The amount to the
16 department of ecology shall also be used for a central coordination
17 function for litter control efforts statewide; to support employment
18 of youth in litter cleanup as intended in RCW 70A.200.020, and for
19 litter pick up using other authorized agencies; and for statewide
20 public awareness programs under RCW 70A.200.150(7). The amount to the
21 department shall also be used to defray the costs of administering
22 the funding, coordination, and oversight of local government programs
23 for waste reduction, litter control, recycling, and composting so
24 that local governments can apply one hundred percent of their funding
25 to achieving program goals. The amount to the department of revenue
26 shall be used to enforce compliance with the litter tax imposed in
27 chapter 82.19 RCW;

28 (b) (i) (~~Twenty~~) 20 percent of receipts from taxes imposed in
29 RCW 82.19.010 to the department for local government funding programs
30 for waste reduction, litter control, recycling activities, and
31 composting activities by cities and counties under RCW 70A.200.190,
32 to be administered by the department of ecology; (ii) any unspent
33 funds under (b)(i) of this subsection may be used to create and pay
34 for a matching fund competitive grant program to be used by local
35 governments for the development and implementation of contamination
36 reduction and outreach plans for inclusion in comprehensive solid
37 waste management plans or by local governments and nonprofit
38 organizations for local or statewide education programs designed to
39 help the public with litter control, waste reduction, recycling, and

1 composting of primarily the products taxed under chapter 82.19 RCW.
2 Recipients under this subsection include programs to reduce wasted
3 food and food waste that are designed to achieve the goals
4 established in RCW 70A.205.715(1) and that are consistent with the
5 plan developed in RCW 70A.205.715(3). Grants must adhere to the
6 following requirements: (A) No grant may exceed (~~sixty thousand~~
7 ~~dollars~~) \$60,000; (B) grant recipients shall match the grant funding
8 allocated by the department by an amount equal to (~~twenty-five~~) 25
9 percent of eligible expenses. A local government's share of these
10 costs may be met by cash or contributed services; (C) the obligation
11 of the department to make grant payments is contingent upon the
12 availability of the amount of money appropriated for this subsection
13 (1)(b); and (D) grants are managed under the guidelines for existing
14 grant programs; (~~and~~)

15 (c) (~~Forty~~) 40 percent of receipts from taxes imposed in RCW
16 82.19.010 to the department of ecology to: (i) Implement activities
17 under RCW 70A.200.150 for waste reduction, recycling, and composting
18 efforts; (ii) provide technical assistance to local governments and
19 commercial businesses to increase recycling markets and recycling and
20 composting programs primarily for the products taxed under chapter
21 82.19 RCW designed to educate citizens about waste reduction, litter
22 control, and recyclable and compostable products and programs; (iii)
23 increase access to waste reduction, composting, and recycling
24 programs, particularly for food packaging and plastic bags and
25 appropriate composting techniques; and (iv) for programs to reduce
26 wasted food and food waste that are designed to achieve the goals
27 established in RCW 70A.205.715(1) and that are consistent with the
28 plan developed in RCW 70A.205.715(3); and

29 (d) 100 percent of receipts from litter cleanup restitution
30 payments as provided in RCW 70A.200.060(4), in addition to any
31 legislative appropriations made to the account for these specific
32 purposes, to the department of ecology to award grants to local
33 governments or nonprofit organizations designed to reduce illegal
34 dumping on public or private forestlands or other open spaces. The
35 grants must be awarded for project descriptions aimed at reducing
36 outdoor dumping or reducing the cost of legal waste disposal, such as
37 education campaigns, free or reduced-cost collection days, income-
38 based waste disposal coupons or vouchers, communication and funding
39 partnerships with other entities such as landowners or collection
40 companies, funding emphasis enforcement, funding information rewards,

1 mitigation money to assist landowners with removing large items or a
2 substantial quantity of illegally dumped material, and other measures
3 reasonably targeted at reducing illegal dumping. The department may
4 implement this subsection (1)(d) by including any funding and
5 activities in existing or related programs managed by the department.

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

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

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

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

33 (6) During the 2021-2023 fiscal biennium, and as an exception to
34 the distribution of expenditures otherwise required in this section,
35 the department of ecology may use funds in the waste reduction,
36 recycling, and litter control account to continue a series of food
37 waste reduction campaigns, to continue to invest in litter prevention
38 campaigns, to conduct a recycling study, and to increase litter
39 control on state highways.

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

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

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

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

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

14 (c) The hazardous waste clean-up program required under this
15 chapter;

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

17 (e) Financial assistance for local programs and plans, including
18 local solid waste financial assistance, in accordance with chapters
19 70A.405, 70A.205, 70A.214, 70A.224, and 70A.300 RCW;

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

23 (g) Oil and hazardous materials spill prevention, preparedness,
24 training, and response activities;

25 (h) Water and environmental health protection and monitoring
26 programs;

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

28 (j) A public participation program;

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

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

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

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

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

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

4 (3) Except for unanticipated receipts under RCW 43.79.260 through
5 43.79.282, moneys in model toxics control operating account may be
6 spent only after appropriation by statute.

7 (4) (a) One percent of the moneys collected under RCW 82.21.030
8 must be allocated only for public participation grants to persons who
9 may be adversely affected by a release or threatened release of a
10 hazardous substance and to not-for-profit public interest
11 organizations. The primary purpose of these grants is to facilitate
12 the participation by persons and organizations in the investigation
13 and remedying of releases or threatened releases of hazardous
14 substances and to implement the state's solid and hazardous waste
15 management priorities. No grant may exceed (~~sixty thousand dollars~~)
16 \$60,000. Grants may be renewed annually. Moneys appropriated for
17 public participation that are not expended at the close of any
18 biennium revert to the model toxics control operating account.

19 (b) For the 2025-2027 and 2027-2029 fiscal bienniums only, an
20 additional 0.25 percent of the moneys collected under RCW 82.21.030
21 must be used for public participation grants that focus on public
22 education efforts in rural, forested communities targeted at reducing
23 illegal dumping of hazardous materials or petroleum-containing
24 products on public and private forestland.

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

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

30 NEW SECTION. Sec. 6. A new section is added to chapter 79.100
31 RCW to read as follows:

32 (1) Until June 30, 2029, the department shall operate a
33 terrestrial derelict vessel removal pilot project focused on removing
34 vessels that are illegally dumped and found derelict in areas other
35 than above aquatic lands. All authorities and responsibilities as
36 provided in this chapter apply to vessels identified by the
37 department for inclusion in the pilot project.

38 (2) By January 1, 2028, the department shall issue a report to
39 the legislature, consistent with RCW 43.01.036, that details total

1 vessels removed under the pilot project, identifies limitations
2 discovered in the implementation of the pilot project, and makes a
3 recommendation as to whether to continue, expand, or modify the pilot
4 project.

5 **Sec. 7.** RCW 79.100.010 and 2014 c 195 s 604 are each reenacted
6 and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Abandoned vessel" means a vessel that has been left, moored,
10 or anchored in the same area without the express consent, or contrary
11 to the rules of, the owner, manager, or lessee of the aquatic lands
12 below or on which the vessel is located for either a period of more
13 than (~~thirty~~) 30 consecutive days or for more than a total of
14 (~~ninety~~) 90 days in any (~~three hundred sixty-five day~~) 365-day
15 period, and the vessel's owner is: (a) Not known or cannot be
16 located; or (b) known and located but is unwilling to take control of
17 the vessel. For the purposes of this subsection (1) only, "in the
18 same area" means within a radius of five miles of any location where
19 the vessel was previously moored or anchored on aquatic lands.

20 (2) "Aquatic lands" means all tidelands, shorelands, harbor
21 areas, and the beds of navigable waters, including lands owned by the
22 state and lands owned by other public or private entities.

23 (3) "Authorized public entity" includes any of the following: The
24 department of natural resources; the department of fish and wildlife;
25 the parks and recreation commission; a metropolitan park district; a
26 port district; and any city, town, or county with ownership,
27 management, or jurisdiction over the aquatic lands where an abandoned
28 or derelict vessel is located, or, for the purposes of the pilot
29 project established in section 6 of this act, terrestrial lands where
30 an abandoned or derelict vessel is located.

31 (4) "Department" means the department of natural resources.

32 (5) "Derelict vessel" means the vessel's owner is known and can
33 be located, and exerts control of a vessel that:

34 (a) Has been moored, anchored, or otherwise left in the waters of
35 the state or on public property contrary to RCW 79.02.300 or rules
36 adopted by an authorized public entity;

37 (b) Has been left on private property without authorization of
38 the owner; or

39 (c) Has been left for a period of seven consecutive days, and:

- 1 (i) Is sunk or in danger of sinking;
2 (ii) Is obstructing a waterway; or
3 (iii) Is endangering life or property.

4 (6) "Owner" means any natural person, firm, partnership,
5 corporation, association, government entity, or organization that has
6 a lawful right to possession of a vessel by purchase, exchange, gift,
7 lease, inheritance, or legal action whether or not the vessel is
8 subject to a security interest.

9 (7) "Ship" means every species of watercraft or other mobile
10 artificial contrivance, powered or unpowered, intended to be used for
11 transporting people or goods on water or for floating marine
12 construction or repair and that exceeds (~~two hundred~~) 200 feet in
13 length.

14 (8) "Vessel" means every species of watercraft or other mobile
15 artificial contrivance, powered or unpowered, intended to be used for
16 transporting people or goods on water or for floating marine
17 construction or repair and which does not exceed (~~two hundred~~) 200
18 feet in length. "Vessel" includes any trailer used for the
19 transportation of watercraft, or any attached floats or debris.

20 **Sec. 8.** RCW 79.100.030 and 2021 c 65 s 88 are each amended to
21 read as follows:

22 (1) An authorized public entity has the authority, subject to the
23 processes and limitations of this chapter, to store, strip, use,
24 auction, sell, salvage, scrap, or dispose of an abandoned or derelict
25 vessel found on or above aquatic lands within the jurisdiction of the
26 authorized public entity or, for the purposes of the pilot project
27 established in section 6 of this act, on terrestrial lands within the
28 jurisdiction of the authorized public entity. A vessel disposal must
29 be done in an environmentally sound manner and in accordance with all
30 federal, state, and local laws, including the state solid waste
31 disposal provisions provided for in chapter 70A.205 RCW. Scuttling or
32 sinking of a vessel is only permissible after obtaining the express
33 permission of the owner or owners of the aquatic lands below where
34 the scuttling or sinking would occur, and obtaining all necessary
35 state and federal permits or licenses.

36 (2) (a) The primary responsibility to remove a derelict or
37 abandoned vessel belongs to the owner, operator, or lessee of the
38 moorage facility or the aquatic lands where the vessel is located. If
39 the authorized public entity with the primary responsibility is

1 unwilling or unable to exercise the authority granted by this
2 section, it may request the department to assume the authorized
3 public entity's authority for a particular vessel. The department may
4 at its discretion assume the authorized public entity's authority for
5 a particular vessel after being requested to do so.

6 (b) For vessels not at a moorage facility, an authorized public
7 entity with jurisdiction over the aquatic lands where the vessel is
8 located or, for the purposes of the pilot project established in
9 section 6 of this act, terrestrial lands where a derelict vessel is
10 located may, at its discretion, request to assume primary
11 responsibility for that particular vessel from the owner of the
12 aquatic or terrestrial lands where the vessel is located.

13 (3) The authority granted by this chapter is permissive, and no
14 authorized public entity has a duty to exercise the authority. No
15 liability attaches to an authorized public entity that chooses not to
16 exercise this authority. An authorized public entity, in the good
17 faith performance of the actions authorized under this chapter, is
18 not liable for civil damages resulting from any act or omission in
19 the performance of the actions other than acts or omissions
20 constituting gross negligence or willful or wanton misconduct. Any
21 person whose assistance has been requested by an authorized public
22 entity, who has entered into a written agreement pursuant to RCW
23 79.100.070, and who, in good faith, renders assistance or advice with
24 respect to activities conducted by an authorized public entity
25 pursuant to this chapter, is not liable for civil damages resulting
26 from any act or omission in the rendering of the assistance or
27 advice, other than acts or omissions constituting gross negligence or
28 willful or wanton misconduct.

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