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SENATE BILL 6009

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State of Washington

53rd Legislature

1994 Regular Session

By Senators Fraser and Franklin

Read first time 01/10/94. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to recycling of tires; amending RCW 70.95.020,  
2 70.95.260, 70.95.500, 70.95.510, 70.95.535, 70.95.550, 70.95.555,  
3 70.95.560, and 70.95.565; adding a new section to chapter 70.95 RCW;  
4 prescribing penalties; and providing for submission of this act to a  
5 vote of the people.

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

7 **Sec. 1.** RCW 70.95.020 and 1985 c 345 s 2 are each amended to read  
8 as follows:

9 The purpose of this chapter is to establish a comprehensive state-  
10 wide program for solid waste handling, and solid waste recovery and/or  
11 recycling which will prevent land, air, and water pollution and  
12 conserve the natural, economic, and energy resources of this state. To  
13 this end it is the purpose of this chapter:

14 (1) To assign primary responsibility for adequate solid waste  
15 handling to local government, reserving to the state, however, those  
16 functions necessary to assure effective programs throughout the state;

17 (2) To provide for adequate planning for solid waste handling by  
18 local government;

1 (3) To provide for the adoption and enforcement of basic minimum  
2 performance standards for solid waste handling;

3 (4) To provide technical and financial assistance to local  
4 governments in the planning, development, and conduct of solid waste  
5 handling programs;

6 (5) To encourage (~~(storage,)~~) proper disposal(~~(,)~~) and recycling of  
7 discarded vehicle tires and to stimulate private recycling programs  
8 throughout the state.

9 It is the intent of the legislature that local governments be  
10 encouraged to use the expertise of private industry and to contract  
11 with private industry to the fullest extent possible to carry out solid  
12 waste recovery and/or recycling programs.

13 **Sec. 2.** RCW 70.95.260 and 1989 c 431 s 9 are each amended to read  
14 as follows:

15 The department shall in addition to its other powers and duties:

16 (1) Cooperate with the appropriate federal, state, interstate and  
17 local units of government and with appropriate private organizations in  
18 carrying out the provisions of this chapter.

19 (2) Coordinate the development of a solid waste management plan for  
20 all areas of the state in cooperation with local government, the  
21 department of community development, and other appropriate state and  
22 regional agencies. The plan shall relate to solid waste management for  
23 twenty years in the future and shall be reviewed biennially, revised as  
24 necessary, and extended so that perpetually the plan shall look to the  
25 future for twenty years as a guide in carrying out a state coordinated  
26 solid waste management program. The plan shall be developed into a  
27 single integrated document and shall be adopted no later than October  
28 1990. The plan shall be revised regularly after its initial completion  
29 so that local governments revising local comprehensive solid waste  
30 management plans can take advantage of the data and analysis in the  
31 state plan.

32 (3) Provide technical assistance to any person as well as to  
33 cities, counties, and industries.

34 (4) Initiate, conduct, and support research, demonstration  
35 projects, and investigations, and coordinate research programs  
36 pertaining to solid waste management systems.

37 (5) Develop state-wide programs to increase public awareness of and  
38 participation in tire recycling, and to stimulate and encourage local

1 private (~~(tire recycling centers)~~) and public participation in tire  
2 recycling.

3 (6) May, under the provisions of the Administrative Procedure Act,  
4 chapter 34.05 RCW, as now or hereafter amended, from time to time  
5 promulgate such rules and regulations as are necessary to carry out the  
6 purposes of this chapter.

7 **Sec. 3.** RCW 70.95.500 and 1985 c 345 s 4 are each amended to read  
8 as follows:

9 (1) No person may drop, deposit, discard, or otherwise dispose of  
10 vehicle tires on any public property or private property in this state  
11 or in the waters of this state whether from a vehicle or otherwise,  
12 including, but not limited to, any public highway, public park, beach,  
13 campground, forest land, recreational area, trailer park, highway,  
14 road, street, or alley unless:

15 (a) The property is designated by the state, or by any of its  
16 agencies or political subdivisions, for the disposal of discarded  
17 vehicle tires; and

18 (b) The person is authorized to use the property for such purpose.

19 (2) A violation of this section is punishable as a gross  
20 misdemeanor or by a civil penalty(~~(, which shall)~~) or both. The civil  
21 penalty may not be less than two hundred dollars nor more than two  
22 thousand dollars for each offense.

23 (3) The responsibility for cleanup of unauthorized tire piles is  
24 the land owner's, violator's, and other negligent parties'.

25 (4) This section does not apply to (~~(the storage or deposit of)~~)  
26 vehicle tires in quantities deemed exempt under rules adopted by the  
27 department of ecology under its functional standards for solid waste.

28 **Sec. 4.** RCW 70.95.510 and 1989 c 431 s 92 are each amended to read  
29 as follows:

30 There is levied a one dollar per tire fee on the retail sale of new  
31 replacement vehicle tires for a period (~~(of five years,)~~) beginning  
32 (~~(October)~~) December 1, (~~(1989)~~) 1994, and ending November 30, 1996.  
33 The fee imposed in this section shall be paid by the buyer to the  
34 seller, and each seller shall collect from the buyer the full amount of  
35 the fee. The fee collected from the buyer by the seller less the ten  
36 percent amount retained by the seller as provided in RCW 70.95.535  
37 shall be paid to the department of revenue in accordance with RCW

1 82.32.045. All other applicable provisions of chapter 82.32 RCW have  
2 full force and application with respect to the fee imposed under this  
3 section. The department of revenue shall administer this section.

4 For the purposes of this section, "new replacement vehicle tires"  
5 means tires that are newly manufactured for vehicle purposes and does  
6 not include retreaded vehicle tires.

7 **Sec. 5.** RCW 70.95.535 and 1989 c 431 s 93 are each amended to read  
8 as follows:

9 (1) Every person engaged in making retail sales of new replacement  
10 vehicle tires in this state shall retain ten percent of the collected  
11 one dollar fee. The moneys retained may be used for costs associated  
12 with the proper management of the waste vehicle tires by the retailer.

13 (2) The department of ecology will administer the funds for the  
14 purposes specified in RCW 70.95.020(5) including, but not limited to:

15 (a) Contracts and grants for cleanup of unauthorized tire piles;

16 (b) Making grants to local governments for ~~((pilot))~~ demonstration  
17 projects for ~~((on-site shredding and recycling of))~~ a variety of  
18 applications that use tires from ((unauthorized dump sites)) this  
19 state;

20 ~~((b))~~ (c) Grants to local government for enforcement programs;

21 ~~((e))~~ (d) Implementation of a public information and education  
22 program to include posters, signs, and informational materials to be  
23 distributed to retail tire sales and tire service outlets;

24 ~~((d))~~ (e) Product marketing studies for recycled tires and  
25 alternatives to land disposal.

26 **Sec. 6.** RCW 70.95.550 and 1988 c 250 s 3 are each amended to read  
27 as follows:

28 Unless the context clearly requires otherwise, the definitions in  
29 this section apply throughout RCW 70.95.555 through 70.95.565.

30 (1) "Processor" means a person permitted and authorized by the  
31 county to alter a tire and make it unusable for its original purpose.

32 (2) "Storage" or "storing" means the placing of ((more than eight  
33 hundred waste tires in a manner that does not constitute final disposal  
34 of the waste)) tires in a manner as defined in section 10 of this act.

35 ~~((2))~~ (3) "Transportation" or "transporting" means picking up or  
36 transporting waste tires for the purpose of storage or final disposal

1 but does not include tire wholesalers, retailers, or retread facilities  
2 picking up or delivering tires in the normal course of business.

3 ~~((3))~~ (4) "Waste tires" means tires that are no longer suitable  
4 for their original intended purpose because of wear, damage, or defect.

5 **Sec. 7.** RCW 70.95.555 and 1988 c 250 s 4 are each amended to read  
6 as follows:

7 Any person ~~((engaged in the business of))~~ transporting ~~((or~~  
8 ~~storing))~~ waste tires shall ~~((be licensed by the department.))~~ obtain  
9 a license annually from the department and shall obtain an  
10 identification sticker for each motorized vehicle. The sticker shall  
11 be located on the driver's door in a manner that is clearly visible.  
12 To obtain a license and identification sticker, each applicant must:

13 (1) Provide assurances that the applicant is in compliance with  
14 this chapter and the rules regarding waste tire storage and  
15 transportation; ~~((and))~~

16 (2) Submit annual tire management plans as defined in rule by the  
17 department; and

18 (3) Post a permit bond in the sum of ten thousand dollars in favor  
19 of the state of Washington. In lieu of the bond, the applicant may  
20 submit financial assurances acceptable to the department.

21 This section does not apply to waste tire transporters under the  
22 authority of the Washington utilities and transportation commission.

23 **Sec. 8.** RCW 70.95.560 and 1989 c 431 s 95 are each amended to read  
24 as follows:

25 Any person who transports or stores waste tires without a license  
26 in violation of RCW 70.95.555 shall be guilty of a gross misdemeanor or  
27 a civil penalty under RCW 70.95.565, or both, and upon conviction shall  
28 be punished under RCW 9A.20.021(2).

29 **Sec. 9.** RCW 70.95.565 and 1988 c 250 s 6 are each amended to read  
30 as follows:

31 No ~~((business))~~ person may enter into a contract for:

32 (1) Transportation of waste tires with an unlicensed waste tire  
33 transporter; or

34 (2) Waste tire storage with an unlicensed owner or operator of a  
35 waste tire storage site.

1 A person who utilizes unlicensed waste tire transporters or  
2 contracts with an unlicensed owner or operator of a waste tire storage  
3 site is in violation of the law and is punishable by a civil penalty of  
4 two hundred fifty dollars for the first offense and one thousand  
5 dollars for each additional offense. This penalty will not apply to  
6 persons who exercise due care to ensure that a transporter receiving  
7 waste tires are regulated by the Washington utilities and  
8 transportation commission or licensed by the department to do so.  
9 Persons contracting for transportation or storage of waste tires are  
10 required to keep documentation that the transporter's utilities and  
11 transportation permit, department license, or other identification of  
12 compliance was checked. Monetary penalties for violation of this  
13 section collected by the court shall be distributed to the local  
14 governmental entity enforcing the provisions of this section.

15 NEW SECTION. Sec. 10. A new section is added to chapter 70.95 RCW  
16 to read as follows:

17 All tire storage shall comply with the following standards. This  
18 section does not apply to newly manufactured, retreaded, or  
19 remanufactured tires.

20 (1) Storage must be in compliance with all applicable state and  
21 local regulations;

22 (2) Private residential storage may not exceed ten tires;

23 (3) Storage of waste tires at retail outlets is limited to a  
24 maximum of two thousand cubic feet, which is the equivalent of  
25 approximately eight hundred passenger tires;

26 (4) Retreaders, wholesalers, or used tire retailers may store a  
27 ninety-day inventory of casings, resalable used tires, and scrap, based  
28 on the highest consecutive ninety-day period of the previous year.  
29 Storage limits for new or expanded facilities in the first year of  
30 operation will be set by local governments having jurisdiction based on  
31 justifiable capacity;

32 (5) Processors may store a ninety-day inventory of feedstock, based  
33 on the highest consecutive ninety-day period of the previous year.  
34 Storage limits for new or expanded facilities in the first year of  
35 operation will be set by local governments having jurisdiction based on  
36 justifiable capacity; and

1 (6) Special permits and special uses of tires not covered in this  
2 section may be regulated at the discretion of the local government  
3 having jurisdiction.

4 NEW SECTION. **Sec. 11.** This act shall be submitted to the people  
5 for their adoption and ratification, or rejection, at the next  
6 succeeding general election to be held in this state, in accordance  
7 with Article II, section 1 of the state Constitution, as amended, and  
8 the laws adopted to facilitate the operation thereof.

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