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**SUBSTITUTE SENATE BILL 6242**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** Senate Environment, Water & Energy (originally sponsored by Senators Pridemore, Delvin, and Hatfield; by request of Department of Ecology)

READ FIRST TIME 02/05/10.

1 AN ACT Relating to updating existing hazardous waste fees to  
2 reflect a specific price deflator; and amending RCW 70.95E.010,  
3 70.95E.020, and 70.95E.040.

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

5 **Sec. 1.** RCW 70.95E.010 and 1995 c 207 s 1 are each amended to read  
6 as follows:

7 As used in this chapter, the following terms have the meanings  
8 indicated unless the context clearly requires otherwise.

9 (1) "Dangerous waste" shall have the same definition as set forth  
10 in RCW 70.105.010(~~(+5+)~~) (1) and shall include those wastes designated  
11 as dangerous by rules adopted pursuant to chapter 70.105 RCW.

12 (2) "Department" means the department of ecology.

13 (3) "EPA/state identification number" means the number assigned by  
14 the EPA (environmental protection agency) or by the department (~~(of~~  
15 ~~ecology)~~) to each generator and/or transporter and treatment, storage,  
16 and/or disposal facility.

17 (4) "Extremely hazardous waste" shall have the same definition as  
18 set forth in RCW 70.105.010(~~(+6+)~~) (7) and shall specifically include

1 those wastes designated as extremely hazardous by rules adopted  
2 pursuant to chapter 70.105 RCW.

3 (5) "Fee" means the annual fees imposed under this chapter.

4 (6) "Generate" means any act or process which produces hazardous  
5 waste or first causes a hazardous waste to become subject to  
6 regulation.

7 (7) "Hazardous waste" means and includes all dangerous and  
8 extremely hazardous wastes but for the purposes of this chapter  
9 excludes all radioactive wastes or substances composed of both  
10 radioactive and hazardous components.

11 (8) "Hazardous waste generator" means all persons whose primary  
12 business activities are identified by the department to generate any  
13 quantity of hazardous waste in the calendar year for which the fee is  
14 imposed.

15 (9) "Person" means an individual, trust, firm, joint stock company,  
16 partnership, association, state, public or private or municipal  
17 corporation, commission, political subdivision of a state, interstate  
18 body, the federal government including any agency or officer thereof,  
19 and any Indian tribe or authorized tribal organization.

20 (10) "Price deflator" means the figures reported by the United  
21 States department of commerce bureau of economic analysis((7)) on the  
22 table for "Implicit Price Deflator for Gross ((National)) Domestic  
23 Product." ((for "Government Purchases of Goods and Services,") For  
24 purposes of calculating fees beginning in 2010, the department must use  
25 a price deflator for "State and Local Government." If a "State and  
26 Local Government" figure is not included on the table, the department  
27 must use a price deflator figure applicable to general government.

28 (11) "Recycled for beneficial use" means the use of hazardous  
29 waste, either before or after reclamation, as a substitute for a  
30 commercial product or raw material, but does not include: (a) Use  
31 constituting disposal; (b) incineration; or (c) use as a fuel.

32 (12) "Waste generation site" means any geographical area that has  
33 been assigned an EPA/state identification number.

34 **Sec. 2.** RCW 70.95E.020 and 1995 c 207 s 2 are each amended to read  
35 as follows:

36 (1) A fee is imposed for the privilege of generating hazardous  
37 waste in the state. The annual amount of the fee shall be thirty-five

1 dollars upon every hazardous waste generator doing business in  
2 Washington in the current calendar year or any part thereof. This fee  
3 shall be collected by the department or its designee.

4 (2) A hazardous waste generator (~~shall be~~) is exempt from the fee  
5 imposed under this section if the value of products, gross proceeds of  
6 sales, or gross income of the business, from all business activities of  
7 the hazardous waste generator, is less than (~~twelve~~) the exemption  
8 threshold of nineteen thousand five hundred dollars (~~in the current~~)  
9 per calendar year.

10 (3) The department shall, subject to appropriation, use the funds  
11 collected from the fees assessed in this (~~subsection~~) section to  
12 support the activities of the office of waste reduction as specified in  
13 RCW 70.95C.030. The fee imposed pursuant to this section is due  
14 annually by July 1st of the year following the calendar year for which  
15 the fee is imposed.

16 **Sec. 3.** RCW 70.95E.040 and 1990 c 114 s 14 are each amended to  
17 read as follows:

18 On an annual basis, the department shall adjust the fees and  
19 exemption threshold provided for in RCW 70.95E.020 and 70.95E.030,  
20 including the maximum annual fee, and maximum total fees, by conducting  
21 the calculation in subsection (1) of this section and taking the  
22 actions set forth in subsection (2) of this section:

23 (1) In (~~November~~) March of each year, the exemption threshold,  
24 the fees, annual fee, and maximum total fees imposed in RCW 70.95E.020  
25 and 70.95E.030, or as subsequently adjusted by this section, shall be  
26 multiplied by a factor equal to the (~~most current quarterly~~) "price  
27 deflator" for the most recently completed calendar year available,  
28 divided by the "price deflator" used in the numerator the (~~previous~~)  
29 preceding year. (~~However, the "price deflator" used in the~~  
30 ~~denominator for the first adjustment shall be defined by the second~~  
31 ~~quarter "price deflator" for 1990.~~)

32 (2) Each year by (~~March 1~~) April 1st the fee schedule, as  
33 adjusted in subsection (1) of this section, will be published. The  
34 department will round the published fees to the nearest dollar.

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