

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5591

Chapter 319, Laws of 1991
(partial veto)

52nd Legislature
1991 Regular Session

SOLID WASTE REDUCTION THROUGH RECYCLING

EFFECTIVE DATE: 5/21/91

Passed by the Senate April 23, 1991
Yeas 45 Nays 0

JOEL PRITCHARD
President of the Senate

Passed by the House April 19, 1991
Yeas 97 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Approved May 21, 1991, with
the exception of section 208,
which is vetoed.

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5591** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB
Secretary

FILED

May 21, 1991 - 10:30 a.m.

**Secretary of State
State of Washington**

1 **Sec. 101.** RCW 70.93.020 and 1979 c 94 s 2 are each amended to read
2 as follows:

3 The purpose of this chapter is to accomplish litter control and
4 stimulate private recycling programs throughout this state by
5 delegating to the department of ecology the authority to:

6 (1) Conduct a permanent and continuous program to control and
7 remove litter from this state to the maximum practical extent possible;

8 (2) Recover and recycle waste materials related to litter and
9 littering;

10 (3) Foster private recycling and markets for recyclable materials;
11 and

12 (4) Increase public awareness of the need for recycling and litter
13 control. It is further the intent and purpose of this chapter to
14 create jobs for employment of youth in litter cleanup and related
15 activities and to stimulate and encourage small, private recycling
16 centers. This program shall include the compatible goal of recovery of
17 recyclable materials to conserve energy and natural resources wherever
18 practicable. Every other department of state government and all local
19 governmental units and agencies of this state shall cooperate with the
20 department of ecology in the administration and enforcement of this
21 chapter. The intent of this chapter is to add to and to coordinate
22 existing recycling and litter control and removal efforts and not
23 terminate or supplant such efforts.

24 **Sec. 102.** RCW 70.93.030 and 1979 c 94 s 3 are each amended to read
25 as follows:

26 As used in this chapter unless the context indicates otherwise:

27 (1) "Department" means the department of ecology;

28 (2) "Director" means the director of the department of ecology;

1 (3) "Disposable package or container" means all packages or
2 containers defined as such by rules and regulations adopted by the
3 department of ecology;

4 (4) "Litter" means all waste material including but not limited to
5 disposable packages or containers thrown or deposited as herein
6 prohibited but not including the wastes of the primary processes of
7 mining, logging, sawmilling, farming, or manufacturing;

8 (5) "Litter bag" means a bag, sack, or other container made of any
9 material which is large enough to serve as a receptacle for litter
10 inside the vehicle or watercraft of any person. It is not necessarily
11 limited to the state approved litter bag but must be similar in size
12 and capacity;

13 (6) "Litter receptacle" means those containers adopted by the
14 department of ecology and which may be standardized as to size, shape,
15 capacity, and color and which shall bear the state anti-litter symbol,
16 as well as any other receptacles suitable for the depositing of litter;

17 (7) "Person" means any political subdivision, government agency,
18 municipality, industry, public or private corporation, copartnership,
19 association, firm, individual, or other entity whatsoever;

20 (8) "Recycling" means ~~((the process of separating, cleansing,~~
21 ~~treating, and reconstituting used or discarded litter-related materials~~
22 ~~for the purpose of recovering and reusing the resources contained~~
23 ~~therein))~~ transforming or remanufacturing waste materials into a
24 finished product for use other than landfill disposal or incineration;

25 (9) "Recycling center" means a central collection point for
26 recyclable materials;

27 (10) "Vehicle" includes every device capable of being moved upon a
28 public highway and in, upon, or by which any persons or property is or
29 may be transported or drawn upon a public highway, excepting devices

1 moved by human or animal power or used exclusively upon stationary
2 rails or tracks;

3 (11) "Watercraft" means any boat, ship, vessel, barge, or other
4 floating craft;

5 (12) "Public place" means any area that is used or held out for use
6 by the public whether owned or operated by public or private interests.

7 NEW SECTION. **Sec. 103.** Unless the context clearly requires
8 otherwise, the definitions in this section apply throughout this
9 chapter.

10 (1) "Container," unless otherwise specified, refers to "rigid
11 plastic container" or "plastic bottle" as those terms are defined in
12 this section.

13 (2) "Distributors" means those persons engaged in the distribution
14 of packaged goods for sale in the state of Washington, including
15 manufacturers, wholesalers, and retailers.

16 (3) "Label" means a molded, imprinted, or raised symbol on or near
17 the bottom of a plastic container or bottle.

18 (4) "Person" means an individual, sole proprietor, partnership,
19 association, or other legal entity.

20 (5) "Plastic" means a material made of polymeric organic compounds
21 and additives that can be shaped by flow.

22 (6) "Plastic bottle" means a plastic container intended for single
23 use that has a neck that is smaller than the body of the container,
24 accepts a screw-type, snap cap, or other closure and has a capacity of
25 sixteen fluid ounces or more, but less than five gallons.

26 (7) "Rigid plastic container" means a formed or molded container,
27 other than a bottle, intended for single use, composed predominantly of
28 plastic resin, and having a relatively inflexible finite shape or form
29 with a capacity of eight ounces or more but less than five gallons.

1 NEW SECTION. **Sec. 104.** (1) The provisions of this section and
2 any rules adopted under this section shall be interpreted to conform
3 with nation-wide plastics industry standards.

4 (2) Except as provided in section 105(2) of this act, after January
5 1, 1992, no person may distribute, sell, or offer for sale in this
6 state a plastic bottle or rigid plastic container unless the container
7 is labeled with a code identifying the appropriate resin type used to
8 produce the structure of the container. The code shall consist of a
9 number placed within three triangulated arrows and letters placed below
10 the triangle of arrows. The triangulated arrows shall be equilateral,
11 formed by three arrows with the apex of each point of the triangle at
12 the midpoint of each arrow, rounded with a short radius. The pointer
13 (arrowhead) of each arrow shall be at the midpoint of each side of the
14 triangle with a short gap separating the pointer from the base of the
15 adjacent arrow. The triangle, formed by the three arrows curved at
16 their midpoints shall depict a clockwise path around the code number.
17 The numbers and letters used shall be as follows:

- 18 (a) 1. = PETE (polyethylene terephthalate)
- 19 (b) 2. = HDPE (high density polyethylene)
- 20 (c) 3. = V (vinyl)
- 21 (d) 4. = LDPE (low density polyethylene)
- 22 (e) 5. = PP (polypropylene)
- 23 (f) 6. = PS (polystyrene)
- 24 (g) 7. = OTHER

25 NEW SECTION. **Sec. 105.** (1) A person who, after written notice
26 from the department, violates section 104 of this act is subject to a
27 civil penalty of fifty dollars for each violation up to a maximum of
28 five hundred dollars and may be enjoined from continuing violations.
29 Each distribution constitutes a separate offense.

1 (2) Retailers and distributors shall have two years from the
2 effective date of this section to clear current inventory, delivered or
3 received and held in their possession as of the effective date of this
4 section.

5 NEW SECTION. **Sec. 106.** The legislature finds and declares that:

6 (1) The management of solid waste can pose a wide range of hazards
7 to public health and safety and to the environment;

8 (2) Packaging comprises a significant percentage of the overall
9 solid waste stream;

10 (3) The presence of heavy metals in packaging is a part of the
11 total concern in light of their likely presence in emissions or ash
12 when packaging is incinerated, or in leachate when packaging is
13 landfilled;

14 (4) Lead, mercury, cadmium, and hexavalent chromium, on the basis
15 of available scientific and medical evidence, are of particular
16 concern;

17 (5) The intent of this chapter is to achieve a reduction in
18 toxicity without impeding or discouraging the expanded use of
19 postconsumer materials in the production of packaging and its
20 components.

21 NEW SECTION. **Sec. 107.** Unless the context clearly requires
22 otherwise, the definitions in this section apply throughout this
23 chapter.

24 (1) "Package" means a container providing a means of marketing,
25 protecting, or handling a product and shall include a unit package, an
26 intermediate package, and a shipping container. "Package" also means
27 and includes unsealed receptacles such as carrying cases, crates, cups,

1 pails, rigid foil and other trays, wrappers and wrapping films, bags,
2 and tubs.

3 (2) "Manufacturer" means a person, firm, or corporation that
4 applies a package to a product for distribution or sale.

5 (3) "Packaging component" means an individual assembled part of a
6 package such as, but not limited to, any interior or exterior blocking,
7 bracing, cushioning, weatherproofing, exterior strapping, coatings,
8 closures, inks, and labels.

9 NEW SECTION. **Sec. 108.** The sum of the concentration levels of
10 lead, cadmium, mercury, and hexavalent chromium present in any product,
11 package, or packaging component shall not exceed the following:

12 (1) Six hundred parts per million by weight effective July 1, 1993;

13 (2) Two hundred fifty parts per million by weight effective July 1,
14 1994; and

15 (3) One hundred parts per million by weight effective July 1, 1995
16 after the effective date of this section.

17 This section shall apply only to lead, cadmium, mercury, and
18 hexavalent chromium that has been intentionally introduced as an
19 element during manufacturing or distribution.

20 NEW SECTION. **Sec. 109.** All packages and packaging components
21 shall be subject to this chapter except the following:

22 (1) Those packages or package components with a code indicating
23 date of manufacture that were manufactured prior to the effective date
24 of this section;

25 (2) Those packages or packaging components that have been purchased
26 by, delivered to, or are possessed by a retailer on or before twenty-
27 four months following the effective date of this section to permit

1 opportunity to clear existing inventory of the proscribed packaging
2 material;

3 (3) Those packages or packaging components to which lead, cadmium,
4 mercury, or hexavalent chromium have been added in the manufacturing,
5 forming, printing, or distribution process in order to comply with
6 health or safety requirements of federal law or for which there is no
7 feasible alternative; or

8 (4) Those packages and packaging components that would not exceed
9 the maximum contaminant levels set forth in section 108(1) of this act
10 but for the addition of postconsumer materials; and provided that the
11 exemption for this subsection shall expire six years after the
12 effective date of this section.

13 NEW SECTION. **Sec. 110.** By July 1, 1993, a certificate of
14 compliance stating that a package or packaging component is in
15 compliance with the requirements of this chapter shall be developed by
16 its manufacturer. If compliance is achieved under the exemption or
17 exemptions provided in section 109 (3) or (4) of this act, the
18 certificate shall state the specific basis upon which the exemption is
19 claimed. The certificate of compliance shall be signed by an
20 authorized official of the manufacturing company. The certificate of
21 compliance shall be kept on file by the manufacturer for as long as the
22 package or packaging component is in use, and for three years from the
23 date of the last sale or distribution by the manufacturer. Certificates
24 of compliance, or copies thereof, shall be furnished to the department
25 of ecology upon request within sixty days. If manufacturers are
26 required under any other state statute to provide a certificate of
27 compliance, one certificate may be developed containing all required
28 information.

1 If the manufacturer or supplier of the package or packaging
2 component reformulates or creates a new package or packaging component,
3 the manufacturer shall develop an amended or new certificate of
4 compliance for the reformulated or new package or packaging component.

5 NEW SECTION. **Sec. 111.** Requests from a member of the public for
6 any certificate of compliance shall be:

7 (1) Made in writing to the department of ecology;

8 (2) Made specific as to package or packaging component information
9 requested; and

10 (3) Responded to by the department of ecology within ninety days.

11 NEW SECTION. **Sec. 112.** The department of ecology may prohibit
12 the sale of any package for which a manufacturer has failed to respond
13 to a request by the department for a certificate of compliance within
14 the allotted period of time pursuant to section 110 of this act.

15 NEW SECTION. **Sec. 113.** By July 1, 1993, the solid waste
16 advisory committee created under chapter 70.95 RCW shall report to the
17 appropriate standing committees of the legislature on the need to
18 further reduce toxic metals from packaging. The report shall contain
19 recommendations to add other toxic substances contained in packaging to
20 the list set forth in this chapter, including but not limited to
21 mutagens, carcinogens, and teratogens, in order to further reduce the
22 toxicity of packaging waste, and shall contain a recommendation
23 regarding imposition of penalty for violation of section 108 of this
24 act.

25 **Sec. 114.** RCW 70.95C.120 and 1989 c 431 s 54 are each amended to
26 read as follows:

1 The office of waste reduction shall develop, in consultation with
2 the superintendent of public instruction, an awards program to achieve
3 waste reduction and recycling in the public schools, grades
4 kindergarten through high school. The office shall develop guidelines
5 for program development and implementation. Each public school shall
6 implement a waste reduction and recycling program conforming to
7 guidelines developed by the office.

8 For the purpose of granting awards, the office may group schools
9 into not more than three classes, based upon student population,
10 distance to markets for recyclable materials, and other criteria, as
11 deemed appropriate by the office. Except as otherwise provided, five
12 or more awards shall be granted to each of the three classes. Each
13 award shall be a sum of not less than two thousand dollars nor more
14 than five thousand dollars. Awards shall be granted each year to the
15 schools that achieve the greatest levels of waste reduction and
16 recycling. ~~((Each))~~ A single award ~~((shall be of a sum))~~ of not less
17 than ~~((ten))~~ five thousand dollars shall be presented to the school
18 having the best recycling program as measured by the total amount of
19 materials recycled, including materials generated outside of the
20 school. A single award of not less than five thousand dollars shall be
21 presented to the school having the best waste reduction program as
22 determined by the office. ~~((The office shall also develop~~
23 ~~recommendations for an awards program for waste reduction in the public~~
24 ~~schools. The office shall submit these recommendations to the~~
25 ~~appropriate standing committees in the house of representatives and~~
26 ~~senate on or before November 30, 1989.))~~

27 The superintendent of public instruction shall distribute
28 guidelines and other materials developed by the office to implement
29 programs to reduce and recycle waste generated in administrative

1 offices, classrooms, laboratories, cafeterias, and maintenance
2 operations.

3 NEW SECTION. **Sec. 115.** There is established the task force on
4 recycling funding. The task force shall consist of fourteen members as
5 follows: (1) Two members of the house committee on environmental
6 affairs appointed by the chair of that committee with one member from
7 each of the two caucuses; (2) two members of the senate committee on
8 environment and natural resources appointed by the chair of that
9 committee with one member from each of the two caucuses; (3) seven
10 members representing manufacturers, wholesalers, retailers, cities,
11 counties, solid waste collection companies, and an environmental
12 organization appointed jointly by the chairs of the house committee on
13 environmental affairs and the senate committee on environment and
14 natural resources; and (4) three members representing the departments
15 of ecology, trade and economic development, and revenue appointed by
16 their respective directors. The agency representatives shall be
17 nonvoting except for the election of the chair, which shall be made by
18 a simple majority vote of all members.

19 The task force shall study long-term funding mechanisms and develop
20 specific funding recommendations for the clean Washington center. The
21 task force shall report its findings and recommended legislation to
22 fund the clean Washington center to the appropriate standing committees
23 of the legislature no later than December 1, 1991. The task force
24 shall also study and make recommendations on long-term funding for
25 integrated systems to reduce, collect, recycle, and dispose of
26 materials.

27 This section shall expire January 1, 1993.

1 NEW SECTION. **Sec. 202.** There is created the clean Washington
2 center within the department of trade and economic development. As
3 used in this chapter, "center" means the clean Washington center.

4 NEW SECTION. **Sec. 203.** The purpose of the center is to provide
5 or facilitate business assistance, basic and applied research and
6 development, marketing, public education, and policy analysis in
7 furthering the development of markets for recycled products. As used
8 in this chapter, market development consists of public and private
9 activities that are used to overcome impediments preventing full use of
10 secondary materials diverted from the waste stream, and that encourage
11 and expand use of those materials and subsequent products. In
12 fulfilling this mission the center shall primarily direct its services
13 to businesses that transform or remanufacture waste materials into
14 usable or marketable materials or products for use other than landfill
15 disposal or incineration.

16 NEW SECTION. **Sec. 204.** (1) The center's activities shall be
17 conducted with the assistance of a policy board. Except as otherwise
18 provided, policy board members shall be appointed by the directors of
19 the department of trade and economic development and department of
20 ecology as follows:

21 (a) Two representatives of the legislature, one appointed by the
22 speaker of the house of representatives and one appointed by the
23 president of the senate;

24 (b) One member to represent cities;

25 (c) One member to represent counties;

26 (d) Five private sector members to represent the end users and
27 marketers of postconsumer recovered materials, including one member to
28 represent recycling businesses;

1 (e) The directors of the departments of trade and economic
2 development and ecology shall represent the executive branch as
3 nonvoting members; and

4 (f) Nonvoting, temporary appointments to the board can be made by
5 the chair where specific expertise is needed.

6 (2) The initial appointments of the five private sector members
7 will be two members with three-year terms and three members with two-
8 year terms. Thereafter, members shall serve two-year renewable terms.
9 Vacancies shall be filled by the chair with majority consent from the
10 members.

11 (3) Members of the board, exclusive of those representing the
12 legislative or executive branches, shall be reimbursed for travel
13 expenses as provided in RCW 43.03.050 and 43.03.060.

14 (4) The board shall meet at least quarterly.

15 (5) The chair shall be elected from among the members by a simple
16 majority vote.

17 (6) The board may adopt and exercise bylaws for the regulation of
18 its business for the purposes of this chapter.

19 NEW SECTION. **Sec. 205.** The center shall:

20 (1) Provide targeted business assistance to recycling businesses,
21 including:

22 (a) Development of business plans;

23 (b) Market research and planning information;

24 (c) Access to financing programs;

25 (d) Referral and information on market conditions; and

26 (e) Information on new technology and product development;

27 (2) Negotiate voluntary agreements with manufacturers to increase
28 the use of recycled materials in product development;

1 (3) Support and provide research and development to stimulate and
2 commercialize new and existing technologies and products using recycled
3 materials;

4 (4) Undertake an integrated, comprehensive education effort
5 directed to recycling businesses to promote processing, manufacturing,
6 and purchase of recycled products, including:

7 (a) Provide information to recycling businesses on the availability
8 and benefits of using recycled materials;

9 (b) Provide information and referral services on recycled material
10 markets;

11 (c) Provide information on new research and technologies that may
12 be used by local businesses and governments; and

13 (d) Participate in projects to demonstrate new market uses or
14 applications for recycled products;

15 (5) Assist the departments of ecology and general administration in
16 the development of consistent definitions and standards on recycled
17 content, product performance, and availability;

18 (6) Undertake studies on the unmet capital needs of reprocessing
19 and manufacturing firms using recycled materials;

20 (7) Undertake and participating in marketing promotions for the
21 purposes of achieving expanded market penetration for recycled content
22 products;

23 (8) Coordinate with the department of ecology to ensure that the
24 education programs of both are mutually reinforcing, with the center
25 acting as the lead entity with respect to recycling businesses, and the
26 department as the lead entity with respect to the general public and
27 retailers;

28 (9) Develop an annual work plan. The plan shall describe actions
29 and recommendations for developing markets for commodities comprising
30 a significant percentage of the waste stream and having potential for

1 use as an industrial or commercial feedstock. The initial plan shall
2 address, but not be limited to, mixed waste paper, waste tires, yard
3 and food waste, and plastics; and

4 (10) Represent the state in regional and national market
5 development issues.

6 NEW SECTION. **Sec. 206.** In order to carry out its
7 responsibilities under this chapter, the center may:

8 (1) Receive such gifts, grants, funds, fees, and endowments, in
9 trust or otherwise, for the use and benefit of the purposes of the
10 center. The center may expend the same or any income therefrom
11 according to the terms of the gifts, grants, or endowments;

12 (2) Initiate, conduct, or contract for studies and searches
13 relating to market development for recyclable materials, including but
14 not limited to applied research, technology transfer, and pilot
15 demonstration projects;

16 (3) Obtain and disseminate information relating to market
17 development for recyclable materials from other state and local
18 agencies;

19 (4) Enter into, amend, and terminate contracts with individuals,
20 corporations, trade associations, and research institutions for the
21 purposes of this chapter;

22 (5) Provide grants to local governments or other public
23 institutions to further the development of recycling markets;

24 (6) Provide business and marketing assistance to public and private
25 sector entities within the state; and

26 (7) Evaluate, analyze, and make recommendations on state policies
27 that may affect markets for recyclable materials.

1 NEW SECTION. **Sec. 207.** The center shall solicit financial
2 contributions and support from manufacturing industries and other
3 private sector sources, foundations, and grants from governmental
4 sources to assist in conducting its activities. It may also use
5 separately appropriated funds of the department of trade and economic
6 development for the center's activities.

8 **NEW SECTION. Sec. 208. The center may appoint advisory*
9 *committees to assist in the development or implementation of the work*
10 *plan.*

11 **Sec. 208 was vetoed, see message at end of chapter.*

12 NEW SECTION. **Sec. 209.** The center shall terminate on June 30,
13 1997.

14 **Sec. 210.** RCW 43.31.545 and 1989 c 431 s 64 are each amended to
15 read as follows:

16 ((+1)) The department is the lead state agency to assist in
17 establishing and improving markets for recyclable materials generated
18 in the state. ~~((This priority on creating and expanding a recyclables~~
19 ~~market should be fully integrated into the current targeted sector~~
20 ~~marketing programs of the department. In carrying out these marketing~~
21 ~~responsibilities, the department shall work closely with the office of~~
22 ~~waste reduction in the department of ecology.~~

23 ~~(2) The department of trade and economic development, with the~~
24 ~~assistance of the department of ecology and the committee for recycling~~
25 ~~markets created by RCW 43.31.552, shall develop programs to accomplish~~
26 ~~the following:~~

27 ~~(a) Develop new markets inside and outside this state for recycled~~
28 ~~materials;~~

1 ~~(b) Attract new businesses to this state whose purpose is to use~~
2 ~~recycled materials;~~

3 ~~(c) Educate businesses and consumers about the high quality of~~
4 ~~Washington recycled materials;~~

5 ~~(d) Promote business and consumer use of products made from~~
6 ~~recycled materials;~~

7 ~~(e) Provide technical market assistance to businesses and local~~
8 ~~governments;~~

9 ~~(f) Cooperate with and secure the cooperation of any department,~~
10 ~~agency, commission, or instrumentality in state or local government~~
11 ~~affected by or concerned with market development; and~~

12 ~~(g) Create and maintain a list of recyclers, collectors, and other~~
13 ~~persons or entities interested in the development of markets for~~
14 ~~recycling and solicit the opinions of those persons with respect to~~
15 ~~market development.))~~

16 NEW SECTION. **Sec. 211.** Section headings as used in this chapter
17 do not constitute any part of the law.

18 NEW SECTION. **Sec. 212.** A new section is added to chapter 70.93
19 RCW to read as follows:

20 There is created an account within the state treasury to be known
21 as the clean Washington account. Moneys deposited in the clean
22 Washington account shall be subject to appropriation and shall be used
23 for the administration and implementation of the clean Washington
24 center established under section 204 of this act.

25 NEW SECTION. **Sec. 213.** The following acts or parts of acts are
26 each repealed:

27 (1) RCW 43.31.552 and 1989 c 431 s 100;

1 (2) RCW 43.31.554 and 1989 c 431 s 101; and

2 (3) RCW 43.31.556 and 1990 c 127 s 1 & 1989 c 431 s 102.

3 NEW SECTION. **Sec. 214.** Sections 201 through 208 of this act
4 shall constitute a new chapter in Title 70 RCW.

5 "PART III
6 USED OIL RECYCLING"

7 NEW SECTION. **Sec. 301.** INTENT. (1) The legislature finds
8 that:

9 (a) Millions of gallons of used oil are generated each year in this
10 state, and used oil is a valuable petroleum resource that can be
11 recycled;

12 (b) The improper collection, transportation, recycling, use, or
13 disposal of used oil contributes to the pollution of air, water, and
14 land, and endangers public health and welfare;

15 (c) The private sector is a vital resource in the collection and
16 recycling of used oil and should be involved in its collection and
17 recycling whenever practicable.

18 (2) In light of the harmful consequences of improper disposal and
19 use of used oil, and its value as a resource, the legislature declares
20 that the collection, recycling, and reuse of used oil is in the public
21 interest.

22 (3) The department, when appropriate, should promote the rerefining
23 of used oil in its grants, public education, regulatory, and other
24 programs.

1 NEW SECTION. **Sec. 302.** DEFINITIONS. Unless the context
2 clearly requires otherwise, the definitions in this section apply
3 throughout this chapter.

4 (1) "Rerefining used oil" means the reclaiming of base lube stock
5 from used oil for use again in the production of lube stock.
6 Rerefining used oil does not mean combustion or landfilling.

7 (2) "Used oil" means (a) lubricating fluids that have been removed
8 from an engine crankcase, transmission, gearbox, hydraulic device, or
9 differential of an automobile, bus, truck, vessel, plane, heavy
10 equipment, or machinery powered by an internal combustion engine; (b)
11 any oil that has been refined from crude oil, used, and as a result of
12 use, has been contaminated with physical or chemical impurities; and
13 (c) any oil that has been refined from crude oil and, as a consequence
14 of extended storage, spillage, or contamination, is no longer useful to
15 the original purchaser. "Used oil" does not include used oil to which
16 hazardous wastes have been added.

17 (3) "Public used oil collection site" means a site where a used oil
18 collection tank has been placed for the purpose of collecting household
19 generated used oil. "Public used oil collection site" also means a
20 vehicle designed or operated to collect used oil from the public.

21 (4) "Lubricating oil" means any oil designed for use in, or
22 maintenance of, a vehicle, including, but not limited to, motor oil,
23 gear oil, and hydraulic oil. "Lubricating oil" does not mean petroleum
24 hydrocarbons with a flash point below one hundred degrees Centigrade.

25 (5) "Vehicle" includes every device physically capable of being
26 moved upon a public or private highway, road, street, watercourse, or
27 trail, and in, upon, or by which any person or property is or may be
28 transported or drawn upon a public or private highway, road, street,
29 watercourse, or trail, except devices moved by human or animal power.

30 (6) "Department" means the department of ecology.

1 (7) "Local government" means a city or county developing a local
2 hazardous waste plan under RCW 70.105.220.

3 NEW SECTION. **Sec. 303.** PUBLIC USED OIL COLLECTION. (1) Each
4 local government and its local hazardous waste plan under RCW
5 70.105.220 is required to include a used oil recycling element. This
6 element shall include:

7 (a) A plan to reach the local goals for household used oil
8 recycling established by the local government and the department under
9 section 304 of this act. The plan shall, to the maximum extent
10 possible, incorporate voluntary agreements with the private sector and
11 state agencies to provide sites for the collection of used oil. Where
12 provided, the plan shall also incorporate residential collection of
13 used oil;

14 (b) A plan for enforcing the sign and container ordinances required
15 by section 305 of this act;

16 (c) A plan for public education on used oil recycling; and

17 (d) An estimate of funding needed to implement the requirements of
18 this chapter. This estimate shall include a budget reserve for
19 disposal of contaminated oil detected at any public used oil collection
20 site administered by the local government.

21 (2) By July 1, 1993, each local government or combination of
22 contiguous local governments shall submit its used oil recycling
23 element to the department. The department shall approve or disapprove
24 the used oil recycling element by January 1, 1994, or within ninety
25 days of submission, whichever is later. The department shall approve
26 or disapprove the used oil recycling element if it determines that the
27 element is consistent with this chapter and the guidelines developed by
28 the department under section 304 of this act.

1 (3) Each local government, or combination of contiguous local
2 governments, shall submit an annual statement to the department
3 describing the number of used oil collection sites and the quantity of
4 household used oil recycled for the jurisdiction during the previous
5 calendar year. The first statement shall be due April 1, 1994.
6 Subsequent statements shall be due April 1st of each year.

7 Nothing in this section shall be construed to require a city or
8 county to construct or operate a public used oil collection site.

9 NEW SECTION. **Sec. 304.** RECYCLING GOALS. (1) By July 1, 1992,
10 the department shall, in consultation with local governments, prepare
11 guidelines for the used oil recycling elements required by section 303
12 of this act. The guidelines shall:

13 (a) Require development of local collection and rerefining goals
14 for household used oil for each entity preparing a used oil recycling
15 element under section 303 of this act;

16 (b) Require local government to recommend the number of used oil
17 collection sites needed to meet the local goals. The department shall
18 establish criteria regarding minimum levels of used oil collection
19 sites;

20 (c) Require local government to identify locations suitable as
21 public used oil collection sites as described under section 303(1)(a)
22 of this act.

23 (2) The department may waive all or part of the specific
24 requirements of section 303 of this act if a local government
25 demonstrates to the satisfaction of the department that the objectives
26 of this chapter have been met.

27 (3) The department may prepare and implement a used oil recycling
28 plan for any local government failing to complete the used oil
29 recycling element of the plan.

1 (4) The department shall develop state-wide collection and
2 rerefining goals for household used oil for each calendar year
3 beginning with calendar year 1994. Goals shall be based on the
4 estimated state-wide collection and rerefining rate for calendar year
5 1993, and shall increase each year until calendar year 1996, when the
6 rate shall be eighty percent.

7 (5) By July 1, 1993, the department shall prepare guidelines
8 establishing state-wide equipment and operating standards for public
9 used oil collection sites. Standards shall:

10 (a) Allow the use of used oil collection igloos and other types of
11 portable used oil collection tanks;

12 (b) Prohibit the disposal of nonhousehold-generated used oil;

13 (c) Limit the amount of used oil deposited to five gallons per
14 household per day;

15 (d) Ensure adequate protection against leaks and spills; and

16 (e) Include other requirements deemed appropriate by the
17 department.

18 NEW SECTION. **Sec. 305.** SIGNS AND CONTAINERS. (1) A person
19 annually selling one thousand or more gallons of lubricating oil to
20 ultimate consumers for use or installation off the premises, or five
21 hundred or more vehicle oil filters to ultimate consumers for use or
22 installation off the premises within a city or county having an
23 approved used oil recycling element, shall:

24 (a) Post and maintain at or near the point of sale, durable and
25 legible signs informing the public of the importance of used oil
26 recycling and how and where used oil may be properly recycled; and

27 (b) Provide for sale at or near the display location of the
28 lubricating oil or vehicle oil filters, household used oil recycling
29 containers. The department shall design and print the signs required by

1 this section, and shall make them available to local governments and
2 retail outlets.

3 (2) A person, who, after notice, violates this section is guilty of
4 a misdemeanor and on conviction is subject to a fine not to exceed one
5 thousand dollars.

6 (3) The department is responsible for notifying retailers subject
7 to this section.

8 (4) A city or county may adopt household used oil recycling
9 container standards in order to ensure compatibility with local
10 recycling programs.

11 (5) Each local government preparing a used oil recycling element
12 of a local hazardous waste plan pursuant to section 303 of this act
13 shall adopt ordinances within its jurisdiction to enforce subsections
14 (1) and (4) of this section.

15 NEW SECTION. **Sec. 306.** STATE-WIDE EDUCATION. The department
16 shall conduct a public education program to inform the public of the
17 needs for and benefits of collecting and recycling used oil in order to
18 conserve resources and protect the environment. As part of this
19 program, the department shall:

20 (1) Establish and maintain a state-wide list of public used oil
21 collection sites, and a list of all persons coordinating local
22 government used oil programs;

23 (2) Establish a state-wide media campaign describing used oil
24 recycling;

25 (3) Assist local governments in providing public education and
26 awareness programs concerning used oil by providing technical
27 assistance and education materials; and

1 (4) Encourage the establishment of voluntary used oil collection
2 and recycling programs, including public-private partnerships, and
3 provide technical assistance to persons organizing such programs.

4 NEW SECTION. **Sec. 307.** DISPOSAL OF USED OIL. (1) Effective
5 January 1, 1992, the use of used oil for dust suppression or weed
6 abatement is prohibited.

7 (2) Effective July 1, 1992, no person may sell or distribute
8 absorbent-based kits, intended for home use, as a means for collecting,
9 recycling, or disposing of used oil.

10 (3) Effective January 1, 1994, no person may knowingly dispose of
11 used oil except by delivery to a person collecting used oil for
12 recycling, treatment, or disposal, subject to the provisions of this
13 chapter and chapter 70.105 RCW.

14 (4) Effective January 1, 1994, no owner or operator of a solid
15 waste landfill may knowingly accept used oil for disposal in the
16 landfill.

17 (5) A person who violates this section is guilty of a misdemeanor.

18 NEW SECTION. **Sec. 308.** USED OIL TRANSPORTER AND PROCESSOR
19 REQUIREMENTS. (1) By January 1, 1993, the department shall adopt
20 rules requiring any transporter of used oil to comply with minimum
21 notification, invoicing, recordkeeping, and reporting requirements.
22 For the purpose of this section, a transporter means a person engaged
23 in the off-site transportation of used oil in quantities greater than
24 twenty-five gallons per day.

25 (2) By January 1, 1993, the department shall adopt minimum
26 standards for used oil that is blended into fuels. Standards shall, at
27 a minimum, establish testing and recordkeeping requirements. Unless
28 otherwise exempted, a processor is any person involved in the

1 marketing, blending, mixing, or processing of used oil to produce fuel
2 to be burned for energy recovery.

3 (3) Any person who knowingly transports used oil without meeting
4 the requirements of this section shall be subject to civil penalties
5 under chapter 70.105 RCW.

6 (4) Rules developed under this section shall not require a manifest
7 from individual residences served by a waste oil curbside collection
8 program.

9 NEW SECTION. **Sec. 309.** CAPTIONS NOT LAW. Section headings as
10 used in this chapter do not constitute any part of the law.

11 NEW SECTION. **Sec. 310.** SHORT TITLE. This chapter shall be
12 known and may be cited as the used oil recycling act.

13 NEW SECTION. **Sec. 311.** A new section is added to chapter 70.94
14 RCW to read as follows:

15 MARKET DEVELOPMENT--BURNING USED OIL FUEL IN LAND-BASED FACILITIES.

16 (1) Except as provided in subsection (2) of this section, a person
17 may not burn used oil as fuel in a land-based facility or in state
18 waters unless the used oil meets the following standards:

19 (a) Cadmium: 2 ppm maximum

20 (b) Chromium: 10 ppm maximum

21 (c) Lead: 100 ppm maximum

22 (d) Arsenic: 5 ppm maximum

23 (e) Total halogens: 1000 ppm maximum

24 (f) Polychlorinated biphenyls: 2 ppm maximum

25 (g) Ash: .1 percent maximum

26 (h) Sulfur: 1.0 percent maximum

27 (i) Flash point: 100 degrees Fahrenheit minimum.

1 (2) This section shall not apply to: (a) Used oil burned in space
2 heaters if the space heater has a maximum heat output of not greater
3 than 0.5 million btu's per hour or used oil burned in facilities
4 permitted by the department or a local air pollution control authority;
5 or (b) ocean-going vessels.

6 (3) This section shall not apply to persons in the business of
7 collecting used oil from residences when under authorization by a city,
8 county, or the utilities and transportation commission.

9 NEW SECTION. **Sec. 312.** A new section is added to chapter 70.105
10 RCW to read as follows:

11 Local governments and combinations of local governments shall amend
12 their local hazardous waste plans required under RCW 70.105.220 to
13 comply with section 303 of this act.

14 **Sec. 313.** RCW 70.95C.020 and 1990 c 114 s 2 are each amended to
15 read as follows:

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

18 (1) "Department" means the department of ecology.

19 (2) "Director" means the director of the department of ecology or
20 the director's designee.

21 (3) "Dangerous waste" shall have the same definition as set forth
22 in RCW 70.105.010(5) and shall specifically include those wastes
23 designated as dangerous by rules adopted pursuant to chapter 70.105
24 RCW.

25 (4) "EPA/state identification number" means the number assigned by
26 the EPA (environmental protection agency) or by the department of
27 ecology to each generator and/or transporter and treatment, storage,
28 and/or disposal facility.

1 (5) "Extremely hazardous waste" shall have the same definition as
2 set forth in RCW 70.105.010(6) and shall specifically include those
3 wastes designated as extremely hazardous by rules adopted pursuant to
4 chapter 70.105 RCW.

5 (6) "Fee" means the annual hazardous waste fees imposed under RCW
6 70.95E.020 and 70.95E.030.

7 (7) "Generate" means any act or process which produces hazardous
8 waste or first causes a hazardous waste to become subject to
9 regulation.

10 (8) "Hazardous substance" means any hazardous substance listed as
11 a hazardous substance as of March 21, 1990, pursuant to section 313 of
12 Title III of the Superfund Amendments and Reauthorization Act, any
13 other substance determined by the director by rule to present a threat
14 to human health or the environment, and all ozone depleting compounds
15 as defined by the Montreal Protocol of October 1987.

16 (9) (a) "Hazardous substance use reduction" means the reduction,
17 avoidance, or elimination of the use or production of hazardous
18 substances without creating substantial new risks to human health or
19 the environment.

20 (b) "Hazardous substance use reduction" includes proportionate
21 changes in the usage of hazardous substances as the usage of a
22 hazardous substance or hazardous substances changes as a result of
23 production changes or other business changes.

24 (10) "Hazardous substance user" means any facility required to
25 report under section 313 of Title III of the Superfund Amendments and
26 Reauthorization Act, except for those facilities which only distribute
27 or use fertilizers or pesticides intended for commercial agricultural
28 applications.

29 (11) "Hazardous waste" means and includes all dangerous and
30 extremely hazardous wastes, but does not include radioactive wastes or

1 a substance composed of both radioactive and hazardous components and
2 does not include any hazardous waste generated as a result of a
3 remedial action under state or federal law.

4 (12) "Hazardous waste generator" means any person generating
5 hazardous waste regulated by the department.

6 (13) "Office" means the office of waste reduction.

7 (14) "Plan" means the plan provided for in RCW 70.95C.200.

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

14 (16) "Process" means all industrial, commercial, production, and
15 other processes that result in the generation of waste.

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

20 (18) "Recycling" means reusing waste materials and extracting
21 valuable materials from a waste stream. Recycling does not include
22 burning for energy recovery.

23 (19) "Treatment" means the physical, chemical, or biological
24 processing of waste to render it completely innocuous, produce a
25 recyclable by-product, reduce toxicity, or substantially reduce the
26 volume of material requiring disposal as described in the priorities
27 established in RCW 70.105.150. Treatment does not include
28 incineration.

29 (20) "Used oil" means (a) lubricating fluids that have been removed
30 from an engine crankcase, transmission, gearbox, hydraulic device, or

1 differential of an automobile, bus, truck, vessel, plane, heavy
2 equipment, or machinery powered by an internal combustion engine; (b)
3 any oil that has been refined from crude oil, used, and as a result of
4 use, has been contaminated with physical or chemical impurities; and
5 (c) any oil that has been refined from crude oil and, as a consequence
6 of extended storage, spillage, or contamination, is no longer useful to
7 the original purchaser. "Used oil" does not include used oil to which
8 hazardous wastes have been added.

9 ~~(21)~~ (21) "Waste" means any solid waste as defined under RCW 70.95.030,
10 any hazardous waste, any air contaminant as defined under RCW
11 70.94.030, and any organic or inorganic matter that shall cause or tend
12 to cause water pollution as defined under RCW 90.48.020.

13 ~~((21))~~ (22) "Waste generator" means any individual, business,
14 government agency, or any other organization that generates waste.

15 ~~((22))~~ (23) "Waste reduction" means all in-plant practices that
16 reduce, avoid, or eliminate the generation of wastes or the toxicity of
17 wastes, prior to generation, without creating substantial new risks to
18 human health or the environment. As used in RCW 70.95C.200 through
19 70.95C.240, "waste reduction" refers to hazardous waste only.

20 **Sec. 314.** RCW 70.95C.200 and 1990 c 114 s 6 are each amended to
21 read as follows:

22 (1) Each hazardous waste generator who generates more than two
23 thousand six hundred forty pounds of hazardous waste per year and each
24 hazardous substance user, except for those facilities that are
25 primarily permitted treatment, storage, and disposal facilities or
26 recycling facilities, shall prepare a plan for the voluntary reduction
27 of the use of hazardous substances and the generation of hazardous
28 wastes. Hazardous waste generated and recycled for beneficial use,
29 including initial amount of hazardous substances introduced into a

1 process and subsequently recycled for beneficial use, shall not be used
2 in the calculation of hazardous waste generated for purposes of this
3 section. The department may develop reporting requirements, consistent
4 with existing reporting, to establish recycling for beneficial use
5 under this section. Used oil to be rerefined or burned for energy or
6 heat recovery shall not be used in the calculation of hazardous wastes
7 generated for purposes of this section, and is not required to be
8 addressed by plans prepared under this section. A person with multiple
9 interrelated facilities where the processes in the facilities are
10 substantially similar, may prepare a single plan covering one or more
11 of those facilities.

12 (2) Each user or generator required to write a plan is encouraged
13 to advise its employees of the planning process and solicit comments or
14 suggestions from its employees on hazardous substance use and waste
15 reduction options.

16 (3) The department shall adopt by April 1, 1991, rules for
17 preparation of plans. The rules shall require the plan to address the
18 following options, according to the following order of priorities:
19 Hazardous substance use reduction, waste reduction, recycling, and
20 treatment. In the planning process, first consideration shall be given
21 to hazardous substance use reduction and waste reduction options.
22 Consideration shall be given next to recycling options. Recycling
23 options may be considered only after hazardous substance use reduction
24 options and waste reduction options have been thoroughly researched and
25 shown to be inappropriate. Treatment options may be considered only
26 after hazardous substance use reduction, waste reduction, and recycling
27 options have been thoroughly researched and shown to be inappropriate.
28 Documentation of the research shall be available to the department upon
29 request. The rules shall also require the plans to discuss the
30 hazardous substance use reduction, waste reduction, and closed loop

1 recycling options separately from other recycling and treatment
2 options. All plans shall be written in conformance with the format
3 prescribed in the rules adopted under this section. The rules shall
4 require the plans to include, but not be limited to:

5 (a) A written policy articulating management and corporate support
6 for the plan and a commitment to implementing planned activities and
7 achieving established goals;

8 (b) The plan scope and objectives;

9 (c) Analysis of current hazardous substance use and hazardous waste
10 generation, and a description of current hazardous substance use
11 reduction, waste reduction, recycling, and treatment activities;

12 (d) An identification of further hazardous substance use reduction,
13 waste reduction, recycling, and treatment opportunities, and an
14 analysis of the amount of hazardous substance use reduction and waste
15 reduction that would be achieved, and the costs. The analysis of
16 options shall demonstrate that the priorities provided for in this
17 section have been followed;

18 (e) A selection of options to be implemented in accordance with the
19 priorities established in this section;

20 (f) An analysis of impediments to implementing the options.
21 Impediments that shall be considered acceptable include, but are not
22 limited to: Adverse impacts on product quality, legal or contractual
23 obligations, economic practicality, and technical feasibility;

24 (g) A written policy stating that in implementing the selected
25 options, whenever technically and economically practicable, risks will
26 not be shifted from one part of a process, environmental media, or
27 product to another;

28 (h) Specific performance goals in each of the following categories,
29 expressed in numeric terms:

30 (i) Hazardous substances to be reduced or eliminated from use;

1 (ii) Wastes to be reduced or eliminated through waste reduction
2 techniques;

3 (iii) Materials or wastes to be recycled; and

4 (iv) Wastes to be treated;

5 If the establishment of numeric performance goals is not
6 practicable, the performance goals shall include a clearly stated list
7 of objectives designed to lead to the establishment of numeric goals as
8 soon as is practicable. Goals shall be set for a five-year period from
9 the first reporting date;

10 (i) A description of how the wastes that are not recycled or
11 treated and the residues from recycling and treatment processes are
12 managed may be included in the plan;

13 (j) Hazardous substance use and hazardous waste accounting systems
14 that identify hazardous substance use and waste management costs and
15 factor in liability, compliance, and oversight costs;

16 (k) A financial description of the plan;

17 (l) Personnel training and employee involvement programs;

18 (m) A five-year plan implementation schedule;

19 (n) Documentation of hazardous substance use reduction and waste
20 reduction efforts completed before or in progress at the time of the
21 first reporting date; and

22 (o) An executive summary of the plan, which shall include, but not
23 be limited to:

24 (i) The information required by (c), (e), (h), and (n) of this
25 subsection; and

26 (ii) A summary of the information required by (d) and (f) of this
27 subsection.

28 (4) Upon completion of a plan, the owner, chief executive officer,
29 or other person with the authority to commit management to the plan

1 shall sign and submit an executive summary of the plan to the
2 department.

3 (5) Plans shall be completed and executive summaries submitted in
4 accordance with the following schedule:

5 (a) Hazardous waste generators who generated more than fifty
6 thousand pounds of hazardous waste in calendar year 1991 and hazardous
7 substance users who were required to report in 1991, by September 1,
8 1992;

9 (b) Hazardous waste generators who generated between seven thousand
10 and fifty thousand pounds of hazardous waste in calendar year 1992 and
11 hazardous substance users who were required to report for the first
12 time in 1992, by September 1, 1993;

13 (c) Hazardous waste generators who generated between two thousand
14 six hundred forty and seven thousand pounds of hazardous waste in 1993
15 and hazardous substance users who were required to report for the first
16 time in 1993, by September 1, 1994;

17 (d) Hazardous waste generators who have not been required to
18 complete a plan on or prior to September 1, 1994, must complete a plan
19 by September 1 of the year following the first year that they generate
20 more than two thousand six hundred forty pounds of hazardous waste; and

21 (e) Hazardous substance users who have not been required to
22 complete a plan on or prior to September 1, 1994, must complete a plan
23 by September 1 of the year following the first year that they are
24 required to report under section 313 of Title III of the Superfund
25 Amendments and Reauthorization Act.

26 (6) Annual progress reports, including a description of the
27 progress made toward achieving the specific performance goals
28 established in the plan, shall be prepared and submitted to the
29 department in accordance with rules developed under this section. Upon
30 the request of two or more users or generators belonging to similar

1 industrial classifications, the department may aggregate data contained
2 in their annual progress reports for the purpose of developing a public
3 record.

4 (7) Every five years, each plan shall be updated, and a new
5 executive summary shall be submitted to the department.

6 NEW SECTION. **Sec. 315.** The following acts or parts of acts are
7 each repealed:

8 (1) RCW 19.114.010 and 1983 c 137 s 1;

9 (2) RCW 19.114.020 and 1983 c 137 s 2;

10 (3) RCW 19.114.030 and 1983 c 137 s 3; and

11 (4) RCW 19.114.900 and 1983 c 137 s 5.

12 NEW SECTION. **Sec. 316.** RCW 19.114.040 is recodified as a
13 section in chapter 70.-- RCW (sections 301 through 310 of this act).

14 NEW SECTION. **Sec. 317.** Sections 301 through 310 of this act
15 shall constitute a new chapter in Title 70 RCW.

16 "PART IV
17 MISCELLANEOUS"

18 **Sec. 401.** RCW 70.95.040 and 1987 c 115 s 1 are each amended to
19 read as follows:

20 (1) There is created a solid waste advisory committee to provide
21 consultation to the department of ecology concerning matters covered by
22 this chapter. The committee shall advise on the development of
23 programs and regulations for solid and dangerous waste handling,
24 resource recovery, and recycling, and shall supply recommendations
25 concerning methods by which existing solid and dangerous waste

1 handling, resource recovery, and recycling practices and the laws
2 authorizing them may be supplemented and improved.

3 (2) The committee shall consist of at least eleven members,
4 including the assistant director for ~~((the division of solid))~~ waste
5 management programs within the department. The director shall appoint
6 ~~((ten))~~ members with due regard to the interests of the public, local
7 government, tribes, agriculture, industry, public health, ~~((and the~~
8 ~~refuse removal))~~ recycling industries, solid waste collection
9 industries, and resource recovery industries. ~~((The director shall~~
10 ~~include among his ten appointees representatives of activities from~~
11 ~~which dangerous wastes arise and the Washington state patrol's~~
12 ~~hazardous materials technical advisory committee.))~~ The term of
13 appointment shall be determined by the director. The committee shall
14 elect its own ~~((chairman))~~ chair and meet at least four times a year,
15 in accordance with such rules of procedure as it shall establish.
16 Members shall receive no compensation for their services but shall be
17 reimbursed their travel expenses while engaged in business of the
18 committee in accordance with RCW 43.03.050 and 43.03.060 as now
19 existing or hereafter amended.

20 (3) The committee shall each year recommend to the governor a
21 recipient for a "governor's award of excellence" which the governor
22 shall award for outstanding achievement by an industry, company, or
23 individual in the area of hazardous waste or solid waste management.

24 NEW SECTION. Sec. 402. A new section is added to chapter 70.95
25 RCW to read as follows:

26 (1) Each local solid waste advisory committee shall conduct one or
27 more meetings for the purpose of determining how local private
28 recycling and solid waste collection businesses may participate in the
29 development and implementation of programs to collect source separated

1 materials from residences, and to process and market materials
2 collected for recycling. The meetings shall include local private
3 recycling businesses, private solid waste collection companies
4 operating within the jurisdiction, and the local solid waste planning
5 agencies. The meetings shall be held during the development of the
6 waste reduction and recycling element or no later than one year prior
7 to the date that a jurisdiction is required submit the element under
8 RCW 70.95.110(2).

9 (2) The meeting requirement under subsection (1) of this section
10 shall apply whenever a city or county develops or amends the waste
11 reduction and recycling element required under this chapter.
12 Jurisdictions having approved waste reduction and recycling elements or
13 having initiated a process for the selection of a service provider as
14 of the effective date of this act do not have to comply with the
15 requirements of subsection (1) of this section until the next revisions
16 to the waste reduction and recycling element are made or required.

17 (3) After the waste reduction and recycling element is approved by
18 the local legislative authority but before it is submitted to the
19 department for approval, the local solid waste advisory committee shall
20 hold at least one additional meeting to review the element.

21 (4) For the purpose of this section, "private recycling business"
22 means any private for-profit or private not-for-profit business that
23 engages in the processing and marketing of recyclable materials.

24 NEW SECTION. **Sec. 403.** A new section is added to chapter 81.77
25 RCW to read as follows:

26 (1) A solid waste collection company collecting recyclable
27 materials from residences shall utilize one or more private recycling
28 businesses when arranging for the processing and marketing of such
29 materials, if the following conditions are met:

1 (a) A recycling business is located within the county at the time
2 the collection program commences or at any time that the solid waste
3 collection company changes its existing processor;

4 (b) A local private recycling business is capable and competent to
5 provide the processing and marketing service; and

6 (c) A local private recycling business offers to pay a price for
7 the recyclable materials which is equal to or greater than the price
8 offered by out-of-county private recyclers, or proposes a charge for
9 the processing and marketing service which is equal to or less than the
10 charge for the service available from an out-of-county private
11 recycler.

12 (2) This section shall not apply to:

13 (a) Cities or towns who exercise their authority under RCW
14 81.77.130 to provide residential curbside collection of recyclable
15 materials;

16 (b) A solid waste collection company that is directed by a city,
17 town, or county to utilize a publicly owned recyclable processing
18 facility located within such city, town, or county; or

19 (c) Counties which exercise their authority under RCW 36.58.040 to
20 contract for the residential curbside collection of source separated
21 recyclables.

22 This section shall not apply to programs for the collection of
23 source separated recyclable materials where rates to implement the
24 programs have been filed with the commission prior to the effective
25 date of this act.

26 (3) For the purposes of this section, "private recycling business"
27 means any private for-profit or private not-for-profit firm that
28 engages in the processing and marketing of recyclable materials.

29 (4) This section is not enforceable by complaint filed with the
30 commission.

1 NEW SECTION. **Sec. 404.** A new section is added to chapter 35.21
2 RCW to read as follows:

3 (1) Each city or town providing by ordinance or resolution a
4 reduced solid waste collection rate to residents participating in a
5 residential curbside recycling program implemented under RCW 70.95.090,
6 may provide a similar reduced rate to residents participating in any
7 other recycling program, if such program is approved by the
8 jurisdiction. Nothing in this section shall be interpreted to reduce
9 the authority of a city to adopt ordinances under RCW 35.21.130(1).

10 (2) For the purposes of this section, "reduced rate" means a
11 residential solid waste collection rate incorporating a rebate, refund,
12 or discount. Reduced rate shall not include residential solid waste
13 collection rate based on the volume or weight of solid waste set out
14 for collection.

15 NEW SECTION. **Sec. 405.** A new section is added to chapter 35A.21
16 RCW to read as follows:

17 (1) Each city or town providing by ordinance or resolution a
18 reduced solid waste collection rate to residents participating in a
19 residential curbside recycling program implemented under RCW 70.95.090,
20 may provide a similar reduced rate to residents participating in any
21 other recycling program, if such program is approved by the
22 jurisdiction. Nothing in this section shall be interpreted to reduce
23 the authority of a city to adopt ordinances under RCW 35.21.130(1).

24 (2) For the purposes of this section, "reduced rate" means a
25 residential solid waste collection rate incorporating a rebate, refund,
26 or discount. Reduced rate shall not include residential solid waste
27 collection rate based on the volume or weight of solid waste set out
28 for collection.

1 NEW SECTION. **Sec. 406.** A new section is added to chapter 81.77
2 RCW to read as follows:

3 (1) If the commission authorizes a surcharge or reduced rate
4 incentive based on a customer's participation in a company's curbside
5 residential recycling program, customers participating in any other
6 noncurbside recycling program approved by the jurisdiction shall be
7 eligible for such incentives.

8 (2) For the purpose of this section, "reduced rate" means a
9 residential solid waste collection rate incorporating a rebate, refund,
10 or discount. It does not include any residential solid waste
11 collection rate based on the volume or weight of solid waste set out
12 for collection.

13 NEW SECTION. **Sec. 407.** A new section is added to chapter 70.95
14 RCW to read as follows:

15 (1) No person may divert to personal use any recyclable material
16 placed in a container as part of a recycling program, without the
17 consent of the generator of such recyclable material or the solid waste
18 collection company operating under the authority of a town, city,
19 county, or the utilities and transportation commission, and no person
20 may divert to commercial use any recyclable material placed in a
21 container as part of a recycling program, without the consent of the
22 person owning or operating such container.

23 (2) A violation of subsection (1) of this section is a class 1
24 civil infraction under chapter 7.80 RCW. Each violation of this
25 section shall be a separate infraction.

26 **Sec. 408.** RCW 46.61.560 and 1984 c 7 s 72 are each amended to read
27 as follows:

1 (1) Outside of incorporated cities and towns no person may stop,
2 park, or leave standing any vehicle, whether attended or unattended,
3 upon the roadway.

4 (2) Subsection (1) of this section and RCW 46.61.570 and 46.61.575
5 do not apply to the driver of any vehicle that is disabled in such
6 manner and to such extent that it is impossible to avoid stopping and
7 temporarily leaving the vehicle in such position. The driver shall
8 nonetheless arrange for the prompt removal of the vehicle as required
9 by RCW 46.61.590.

10 (3) Subsection (1) of this section does not apply to the driver of
11 a public transit vehicle who temporarily stops the vehicle upon the
12 roadway for the purpose of and while actually engaged in receiving or
13 discharging passengers at a marked transit vehicle stop zone approved
14 by the state department of transportation or a county upon highways
15 under their respective jurisdictions.

16 (4) Subsection (1) of this section and RCW 46.61.570 and 46.61.575
17 do not apply to the driver of a solid waste collection company or
18 recycling company vehicle who temporarily stops the vehicle as close as
19 practical to the right edge of the right-hand shoulder of the roadway
20 or right edge of the roadway if no shoulder exists for the purpose of
21 and while actually engaged in the collection of solid waste or
22 recyclables, or both, under chapters 81.77, 35.21, and 35A.21 RCW or by
23 contract under RCW 36.58.030.

24 NEW SECTION. Sec. 409. Part headings as used in this act do not
25 constitute any part of the law.

26 NEW SECTION. Sec. 410. If specific funding for the purposes of
27 this act, referencing this act by bill number, is not provided by June

1 30, 1991, in the omnibus appropriations act, 201 through 212 of this
2 act shall be null and void.

3 NEW SECTION. **Sec. 411.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 412.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and shall take
10 effect immediately.

Passed the Senate April 23, 1991.

Passed the House April 19, 1991.

Approved by the Governor May 21, 1991, with the exception of
certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 208,
3 Second Substitute Senate Bill No. 5591 entitled:

4 "AN ACT Relating to the reduction of solid waste through
5 recycling."

6 Sections 201-214 of Second Substitute Senate Bill No. 5591 relate
7 to the creation of a new program within the Department of Trade and
8 Economic Development called the Clean Washington Center, the activities
9 of which will be conducted with the assistance of an advisory board set
10 up by section 204. Section 208 states that the Center may appoint
11 advisory committees to assist in the development or implementation of
12 the Center's work plan referenced in section 205(9). Since the Center
13 is a program within the Department of Trade and Economic Development,
14 the director of the department has current statutory authorization to
15 appoint advisory groups as appropriate and, therefore, section 208 is
16 not necessary. For this reason, I have vetoed section 208.

17 With the exception of section 208, Second Substitute Senate Bill
18 No. 5591 is approved."