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**SUBSTITUTE HOUSE BILL 1162**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Agriculture & Ecology (originally sponsored by Representatives Schoesler and Mastin; by request of Department of Ecology and Department of Revenue)

Read first time 02/16/95.

1 AN ACT Relating to the collection of hazardous waste generation  
2 fees; amending RCW 70.95E.010, 70.95E.050 and 70.95E.090; reenacting  
3 and amending RCW 70.95E.020; creating a new section; and declaring an  
4 emergency.

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

6 **Sec. 1.** RCW 70.95E.010 and 1994 c 136 s 1 are each amended to read  
7 as follows:

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

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

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

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

18 (4) "Extremely hazardous waste" shall have the same definition as  
19 set forth in RCW 70.105.010(6) and shall specifically include those

1 wastes designated as extremely hazardous by rules adopted pursuant to  
2 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) "Known generators" means persons that have notified the  
12 department and have received an EPA/state identification number.

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

18 (~~(10)~~) (~~"Potential generators" means all persons whose primary~~  
19 ~~business activities are identified by the department to be likely to~~  
20 ~~generate any quantity of hazardous wastes.~~

21 (~~(11)~~) "Price deflator" means the United States department of  
22 commerce bureau of economic analysis, "Implicit Price Deflator for  
23 Gross National Product" for "Government Purchases of Goods and  
24 Services," for "State and Local Government."

25 (~~(12)~~) (11) "Recycled for beneficial use" means the use of  
26 hazardous waste, either before or after reclamation, as a substitute  
27 for a commercial product or raw material, but does not include: (a)  
28 Use constituting disposal; (b) incineration; or (c) use as a fuel.

29 (~~(13)~~) (12) "Waste generation site" means any geographical area  
30 that has been assigned an EPA/state identification number.

31 **Sec. 2.** RCW 70.95E.020 and 1994 sp.s. c 2 s 3 and 1994 c 136 s 2  
32 are each reenacted and amended to read as follows:

33 A fee is imposed for the privilege of generating (~~or potentially~~  
34 ~~generating~~) hazardous waste in the state. The annual amount of the  
35 fee shall be thirty-five dollars upon every known generator (~~or~~  
36 ~~potential generator~~) doing business in Washington in the current  
37 calendar year or any part thereof. This fee shall be collected by the  
38 department (~~of revenue~~) or its designee. A potential generator shall

1 be exempt from the fee imposed under this section if the value of  
2 products, gross proceeds of sales, or gross income of the business,  
3 from all business activities of the potential generator, is less than  
4 twelve thousand dollars in the current calendar year. The department  
5 shall, subject to appropriation, use the funds collected from the fees  
6 assessed in this subsection to support the activities of the office of  
7 waste reduction as specified in RCW 70.95C.030. The fee imposed  
8 pursuant to this section is due annually by July 1 of the year  
9 following the calendar year for which the fee is imposed(~~(, except the~~  
10 ~~fee scheduled to be imposed for calendar year 1993 shall be imposed on~~  
11 ~~known generators only)~~)).

12 **Sec. 3.** RCW 70.95E.050 and 1994 c 136 s 4 are each amended to read  
13 as follows:

14 In administration of this chapter for the enforcement and  
15 collection of the fees due and owing under (~~(this chapter)~~) RCW  
16 70.95E.020 and 70.95E.030, the department (~~(of revenue is authorized~~  
17 ~~to)~~) may apply (~~(the provisions of chapter 82.32 RCW, except that the~~  
18 ~~provisions of RCW 82.32.045 shall not apply)~~) RCW 43.17.240.

19 **Sec. 4.** RCW 70.95E.090 and 1990 c 114 s 19 are each amended to  
20 read as follows:

21 The department may use funds in the hazardous waste assistance  
22 account to provide technical assistance and compliance education  
23 assistance to hazardous substance users and waste generators, to  
24 provide grants to local governments, and for administration of this  
25 chapter. (~~(The department of revenue shall be appropriated a~~  
26 ~~percentage amount of the total fees collected, not to exceed two~~  
27 ~~percent of the total fees collected, for administration and collection~~  
28 ~~expenses incurred by the department of revenue.)~~)

29 Technical assistance may include the activities authorized under  
30 chapter 70.95C RCW and RCW 70.105.170 to encourage hazardous waste  
31 reduction and hazardous use reduction and the assistance provided for  
32 by RCW 70.105.100(2).

33 Compliance education may include the activities authorized under  
34 RCW 70.105.100(2) to train local agency officials and to inform  
35 hazardous substance users and hazardous waste generators and owners and  
36 operators of hazardous waste management facilities of the requirements  
37 of chapter 70.105 RCW and related federal laws and regulations. To the

1 extent practicable, the department shall contract with private  
2 businesses to provide compliance education.

3 Grants to local governments shall be used for small quantity  
4 generator technical assistance and compliance education components of  
5 their moderate risk waste plans as required by RCW 70.105.220.

6 NEW SECTION. Sec. 5. For the biennium ending June 30, 1997, one  
7 million dollars of state toxics control account funds shall be expended  
8 solely for education and technical assistance as provided in section 4  
9 of this act.

10 NEW SECTION. Sec. 6. This act is necessary for the immediate  
11 preservation of the public peace, health, or safety, or support of the  
12 state government and its existing public institutions, and shall take  
13 effect immediately.

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