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HOUSE BILL 3058

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Chandler and Linville

Read first time 01/28/98. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to waste reduction, recycling, and litter control;  
2 amending RCW 70.93.010, 70.93.020, 70.93.030, 70.93.090, 70.93.180,  
3 70.93.200, 70.93.210, 70.93.250, and 47.36.400; and adding a new  
4 section to chapter 70.93 RCW.

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

6 **Sec. 1.** RCW 70.93.010 and 1992 c 175 s 1 are each amended to read  
7 as follows:

8 (1) The legislature finds:

9 (a) Washington state is experiencing rapid population growth and  
10 its citizens are increasingly mobile;

11 (b) There is a fundamental need for a healthful, clean, and  
12 beautiful environment;

13 (c) The proliferation and accumulation of litter discarded  
14 throughout this state impairs this need and constitutes a public health  
15 hazard;

16 (d) There is a need to conserve energy and natural resources, and  
17 the effective litter control and recovery and recycling of litter  
18 materials will serve to accomplish such conservation;

1 (e) In addition to effective litter control, there must be  
2 effective programs to accomplish waste reduction, the state's highest  
3 waste management priority; and

4 (f) There must also be effective systems to accomplish all  
5 components of recycling, including collection(~~(7)~~) and processing(~~(7~~  
6 ~~and the marketing of recyclable materials and recycled content~~  
7 ~~products))~~).

8 (2) Recognizing the multifaceted nature of the state's solid waste  
9 management problems, the legislation enacted in 1971 and entitled the  
10 "Model Litter Control and Recycling Act" is hereby renamed the "waste  
11 reduction, recycling, and model litter control act."

12 **Sec. 2.** RCW 70.93.020 and 1992 c 175 s 2 are each amended to read  
13 as follows:

14 The purpose of this chapter is to accomplish litter control,  
15 increase waste reduction, and stimulate all components of recycling  
16 throughout this state by delegating to the department of ecology the  
17 authority to:

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

20 (2) Recover and recycle waste materials related to litter and  
21 littering;

22 (3) Foster public and private recycling of recyclable materials;  
23 (~~and~~)

24 (4) Increase public awareness of the need for recycling and litter  
25 control; and

26 (5) Coordinate the litter collection efforts and expenditure of  
27 funds for litter collection by other agencies identified in this  
28 chapter.

29 (~~It is further the intent and purpose of this chapter to promote~~  
30 ~~markets for recyclable materials through programs of the clean~~  
31 ~~Washington center and other means.))~~

32 It is further the intent and purpose of this chapter to create jobs  
33 for employment of youth in litter cleanup and related activities and to  
34 stimulate and encourage small, private recycling centers. This program  
35 shall include the compatible goal of recovery of recyclable materials  
36 to conserve energy and natural resources wherever practicable. Every  
37 other department of state government and all local governmental units  
38 and agencies of this state shall cooperate with the department of

1 ecology in the administration and enforcement of this chapter. The  
2 intent of this chapter is to add to and to coordinate existing  
3 recycling and litter control and removal efforts and not terminate or  
4 supplant such efforts.

5 **Sec. 3.** RCW 70.93.030 and 1991 c 319 s 102 are each amended to  
6 read as follows:

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

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

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

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

13 (4) "Litter" means all waste material including but not limited to  
14 disposable packages or containers thrown or deposited as herein  
15 prohibited and solid waste that is illegally dumped, but not including  
16 the wastes of the primary processes of mining, logging, sawmilling,  
17 farming, or manufacturing;

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

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

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

30 (8) "Recycling" means transforming or remanufacturing waste  
31 materials into a finished product for use other than landfill disposal  
32 or incineration;

33 (9) "Recycling center" means a central collection point for  
34 recyclable materials;

35 (10) "Vehicle" includes every device capable of being moved upon a  
36 public highway and in, upon, or by which any persons or property is or  
37 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 **Sec. 4.** RCW 70.93.090 and 1979 c 94 s 5 are each amended to read  
8 as follows:

9 The department shall design and the director shall adopt by rule or  
10 regulation one or more types of litter receptacles which are reasonably  
11 uniform as to size, shape, capacity and color, for wide and extensive  
12 distribution throughout the public places of this state. Each such  
13 litter receptacle shall bear an anti-litter symbol as designed and  
14 adopted by the department. In addition, all litter receptacles shall  
15 be designed to attract attention and to encourage the depositing of  
16 litter.

17 Litter receptacles of the uniform design shall be placed along the  
18 public highways of this state and at all parks, campgrounds, trailer  
19 parks, drive-in restaurants, gasoline service stations, tavern parking  
20 lots, shopping centers, grocery store parking lots, parking lots of  
21 major industrial firms, marinas, boat launching areas, boat moorage and  
22 fueling stations, public and private piers, beaches and bathing areas,  
23 and such other public places within this state as specified by rule or  
24 regulation of the director adopted pursuant to chapter 34.05 RCW. The  
25 number of such receptacles required to be placed as specified herein  
26 shall be determined by a formula related to the need for such  
27 receptacles.

28 It shall be the responsibility of any person owning or operating  
29 any establishment or public place in which litter receptacles of the  
30 uniform design are required by this section to procure and place such  
31 receptacles at their own expense on the premises in accord with rules  
32 and regulations adopted by the department.

33 ~~((The department shall establish a system of grants to aid cities,  
34 towns, and counties with populations under twenty five thousand in  
35 procuring and placing such litter receptacles. Such grants shall be on  
36 a matching basis under which the local government involved electing to  
37 participate in this program shall be required to pay at least fifty  
38 percent of the total costs of procurement of receptacles sufficient in~~

1 number to meet departmental guidelines established by rule pursuant to  
2 this section. The amount of the grant shall be determined on a case-  
3 by case basis by the director after consideration of need, available  
4 departmental and local government funds, degree of prior compliance by  
5 the local government involved in placement of receptacles, and other  
6 relevant criteria. The responsibility for maintaining and emptying  
7 such receptacles shall remain with the unit of local government.))

8 Any person, other than a political subdivision, government agency,  
9 or municipality, who fails to place such litter receptacles on the  
10 premises in the numbers required by rule or regulation of the  
11 department, violating the provisions of this section or rules or  
12 regulations adopted thereunder shall be subject to a fine of ten  
13 dollars for each day of violation.

14 **Sec. 5.** RCW 70.93.180 and 1992 c 175 s 8 are each amended to read  
15 as follows:

16 (1) There is hereby created an account within the state treasury to  
17 be known as the "waste reduction, recycling, and litter control  
18 account". Moneys in the account may be spent only after appropriation.  
19 Expenditures from the waste reduction, recycling, and litter control  
20 account shall be used as follows:

21 (a) ((From July 1, 1992, to June 30, 1993, funds shall be used for  
22 programs to: Control litter; encourage recycling; develop markets for  
23 recyclable materials; and enforce compliance with the litter tax  
24 imposed in RCW 82.19.010.

25 (b) After June 30, 1993, funds shall be used as follows:

26 (i) Not less than forty percent nor more than fifty percent for a  
27 litter patrol program to employ youth from the state to remove litter  
28 from places and areas that are most visible to the public and to  
29 enforce compliance with the litter tax imposed in RCW 82.19.010; and

30 (ii) Not more than sixty percent for the following purposes:  
31 Public education and awareness programs to control litter; programs to  
32 promote public education and awareness of the model litter control and  
33 recycling act; programs to foster private local recycling efforts,  
34 encourage recycling, and develop markets for recyclable materials; and  
35 compliance with the litter tax imposed in RCW 82.19.010)) Fifty percent  
36 to the department of ecology, for use by the departments of ecology,  
37 natural resources, transportation and corrections, and the parks and  
38 recreation commission, for use in litter collection programs, to be

1 distributed under section 6 of this act. The amount to the department  
2 of ecology is also to be used for a central coordination function for  
3 litter efforts state-wide, for the biennial litter survey under RCW  
4 70.93.200(8), for state-wide public awareness programs under RCW  
5 70.93.200(7), and to enforce collection of the litter tax imposed in  
6 RCW 82.19.010;

7 (b) Twenty percent to local government funding programs for litter  
8 control activities by cities and counties under RCW 70.93.250, to be  
9 administered by the department of ecology; and

10 (c) Thirty percent to the department of ecology for waste reduction  
11 and recycling efforts and to enforce collection of the litter tax  
12 imposed in RCW 82.19.010.

13 (2) All taxes imposed in RCW 82.19.010 and fines and bail  
14 forfeitures collected or received pursuant to this chapter shall be  
15 deposited in the waste reduction, recycling, and litter control account  
16 and used for the programs under subsection (1) of this section(~~and~~  
17 ~~except as required to be otherwise distributed under RCW 70.93.070)).~~

18 NEW SECTION. Sec. 6. A new section is added to chapter 70.93 RCW  
19 to read as follows:

20 (1) The department of ecology is the coordinating and  
21 administrative agency working with the departments of natural  
22 resources, transportation, and corrections, and the parks and  
23 recreation commission in developing a biennial budget request for funds  
24 for the various agencies' litter collection programs.

25 (2) Funds may be used to meet the needs of efficient and effective  
26 litter collection and illegal dumping programs identified by the  
27 various agencies. The department of ecology is accountable for  
28 approving requests for efficient and effective litter programs,  
29 granting funds, and monitoring results of all agency programs.

30 (3) All agencies are responsible for reporting information, as  
31 requested by the department of ecology, on their litter collection  
32 programs, to the department of ecology by December 31st of each year.

33 (4) The department of ecology is responsible for providing the  
34 legislature a summary of biennial litter activities by state agencies  
35 and the coordinated litter budget request of all agencies.

36 **Sec. 7.** RCW 70.93.200 and 1979 c 94 s 7 are each amended to read  
37 as follows:

1 In addition to the foregoing, the department of ecology shall:

2 (1) Serve as the coordinating agency between the various industry  
3 organizations seeking to aid in the anti-litter and recycling efforts;

4 (2) Serve as the coordinating and administrating agencies for all  
5 state agencies receiving funds for litter collection under this  
6 chapter;

7 (3) Recommend to the governing bodies of all local governments that  
8 they adopt ordinances similar to the provisions of this chapter;

9 ~~((+3))~~ (4) Cooperate with all local governments to accomplish  
10 coordination of local anti-litter and recycling efforts;

11 ~~((+4))~~ (5) Encourage, organize, and coordinate all voluntary local  
12 anti-litter and recycling campaigns seeking to focus the attention of  
13 the public on the programs of this state to control and remove litter  
14 and to foster recycling;

15 ~~((+5))~~ (6) Investigate the availability of, and apply for funds  
16 available from any private or public source to be used in the program  
17 outlined in this chapter;

18 ~~((+6))~~ (7) Develop state-wide programs by working with local  
19 governments, payers of the waste reduction, recycling, and litter  
20 control tax, and industry organizations that are active in antilitter  
21 and recycling efforts, to increase public awareness of and  
22 participation in recycling and to stimulate and encourage local private  
23 recycling centers, public participation in recycling and research and  
24 development in the field of litter control, and recycling, removal, and  
25 disposal of litter-related recycling materials;

26 (8) Conduct a biennial state-wide litter survey targeted at litter  
27 composition, sources, demographics, and geographic trends; and

28 (9) Provide a biennial summary of all litter collection efforts  
29 state-wide including those of the department of ecology, and other  
30 state agencies and local governments funded for litter collection under  
31 this chapter. This report is due to the legislature in March of even-  
32 numbered years.

33 **Sec. 8.** RCW 70.93.210 and 1979 c 94 s 8 are each amended to read  
34 as follows:

35 To aid in the state-wide anti-litter and recycling campaign, the  
36 state legislature requests that the payers of the waste reduction,  
37 recycling, and litter control tax and the various industry  
38 organizations which are active in anti-litter and recycling efforts

1 provide active cooperation with the department of ecology so that  
2 additional effect may be given to the anti-litter and recycling  
3 campaign of the state of Washington.

4 **Sec. 9.** RCW 70.93.250 and 1990 c 66 s 3 are each amended to read  
5 as follows:

6 (1) The department shall provide ((grants)) funding to local units  
7 of government to establish, conduct, and evaluate community service and  
8 other programs for litter and illegal dump cleanup. Programs eligible  
9 for ((grants)) funding under this section shall include, but not be  
10 limited to, programs established pursuant to RCW 72.09.260.

11 (2) Funds may be offered for costs associated with community litter  
12 cleanup and prevention activities. The funding program must be  
13 flexible, allowing local governments to use funds broadly to meet their  
14 litter and illegal dumping needs. Local governments are required to  
15 contribute services or resources in-kind. The department of ecology is  
16 accountable for approving requests, granting funds, and monitoring the  
17 results of all local government programs under this section. Funding  
18 mechanisms, such as grants or contracts, shall be pursued by the  
19 department in funding local litter control programs.

20 (3) Local governments shall report to the department information as  
21 outlined by the department in the funding agreements. The department  
22 shall report to the appropriate standing committees of the legislature  
23 by December ((31, 1991,)) of even-numbered years on the effectiveness  
24 of ((community service)) local government litter cleanup programs  
25 funded from grants under this section.

26 **Sec. 10.** RCW 47.36.400 and 1991 c 94 s 4 are each amended to read  
27 as follows:

28 The department may install adopt-a-highway signs, with the  
29 following restrictions:

30 (1) Signs shall be designed by the department and may only include  
31 the words "adopt-a-highway litter control next XX miles" and the name  
32 of the litter control area sponsor. The sponsor's name shall not be  
33 displayed more predominantly than the remainder of the sign message.  
34 ((No)) Trademarks or business logos may be displayed;

35 (2) Signs may be placed along interstate, primary, and scenic  
36 system highways;



1       (3) For each litter control area designated by the department, one  
2 sign may be placed visible to traffic approaching from each direction;

3       (4) Signs shall be located so as not to detract from official  
4 traffic control signs installed pursuant to the manual on uniform  
5 traffic control devices adopted by the department;

6       (5) Signs shall be located so as not to restrict sight distance on  
7 approaches to intersections or interchanges;

8       (6) The department may charge reasonable fees to defray the cost of  
9 manufacture, installation, and maintenance of adopt-a-highway signs.

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