

SENATE BILL REPORT

SSB 6194

As Passed Senate, February 10, 2000

Title: An act relating to unlawful rural garbage disposal.

Brief Description: Attempting to limit the incidents of rural garbage dumping.

Sponsors: Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators T. Sheldon, Oke, Jacobsen, Stevens, Morton, Rasmussen, Gardner and Spanel).

Brief History:

Committee Activity: Natural Resources, Parks & Recreation: 1/24/2000, 1/31/2000 [DPS].

Passed Senate, 2/10/2000, 47-0.

SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & RECREATION

Majority Report: That Substitute Senate Bill No. 6194 be substituted therefor, and the substitute bill do pass.

Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Staff: David Johnson (786-7754)

Background: Illegal garbage dumping on rural lands has been an increasing problem for several years. As the cost of proper disposal of hazardous materials continues to rise, private and public rural landowners have also seen an increase in the amount of hazardous material dumped. In 1998, the Legislature expanded the definition of littering to include solid waste that is illegally dumped.

Law enforcement agencies are often without adequate funds to focus intense efforts on patrols against dumping. Landowners are often forced to pay for cleaning up illegal dumps themselves. Some have reduced public access to their lands in an effort to curb dumping.

Summary of Bill: It is a misdemeanor to litter more than one cubic foot in an unincorporated area. It is a gross misdemeanor to litter any amount of a hazardous waste in an unincorporated area.

In addition to criminal penalties, a litter cleanup restitution payment of twice the cost of cleanup or \$50 per cubic foot, whichever is greater, is mandated. The restitution payment is twice the cost of cleanup or \$100 per cubic foot for hazardous waste. One-half of the restitution is paid to the landowner and one-half to the law enforcement agency investigating the incident. The court may order the perpetrator to clean up the litter in addition to or in lieu of the restitution payment.

Upon the conviction of a person for illegal dumping, seizure and forfeiture of vehicles and other items used in the illegal dumping is authorized, so long as the violation was not inadvertent. The seized items are forfeited to the law enforcement agency that seized the property.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Garbage dumping is an increasing problem. Much land that was previously open for recreation is being closed off because of the increase in illegal dumping. Increasing expense of legal dumping is encouraging illegal dumping. The penalty should be at least as much as shoplifting. Tools this bill provides will have a positive and long-term impact on this problem. The possibility of vehicle forfeiture is a great deterrent and probably will have more impact than penalties. Restitution funds for landowner and law enforcement is important. Illegal dumping has become a blight and a disgrace. It costs landowners, including the state, hundreds of thousands of dollars each year. Hazardous waste is very expensive to clean up.

Testimony Against: None.

Testified: PRO: Paul Silver, Dept. of Natural Resources; Len Bardon, The Nature Conservancy of Washington; Merton Cooper; Tim Boyd, WFPA; Elyse Kane, WDFW; Dan Coyne, Simpson Timber Co.; Ron Shultz, Audubon.

House Amendment(s): Language pertaining to hazardous substances is removed. The forfeiture provision is removed. Abandoning a junk vehicle in an unincorporated area is made a misdemeanor. Littering in one cubic yard or more is a gross misdemeanor and subjects a violator to a greater restitution payment. A first time offender is allowed to avoid or pay a reduced restitution payment, at the judge's discretion, if the offender cleans up and properly disposes of the litter. Rural garbage dumping provisions are also added to the solid waste statutes.

Additional House Amendment(s): Dumping a junk vehicle is a gross misdemeanor.