

2 **SB 6060** - S AMD 475
3 By Senator Fraser

4 ADOPTED 02/15/02

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 82.21.020 and 1989 c 2 s 9 are each amended to read
8 as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Hazardous substance" means:

12 (a) Any substance that, on March 1, (~~1989~~) 2002, is a hazardous
13 substance under section 101(14) of the federal comprehensive
14 environmental response, compensation, and liability act of 1980, 42
15 U.S.C. Sec. 9601(14), as amended by Public Law 99-499 on October 17,
16 1986, except that hazardous substance does not include the following
17 noncompound metals when in solid form in a particle larger than one
18 hundred micrometers (0.004 inches) in diameter: Antimony, arsenic,
19 beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver,
20 thallium, or zinc;

21 (b) Petroleum products;

22 (c) Any pesticide product required to be registered under section
23 136a of the federal insecticide, fungicide and rodenticide act, 7
24 U.S.C. Sec. 136 et seq., as amended by Public Law 104-170 on August 3,
25 1996; and

26 (d) Any other substance, category of substance, and any product or
27 category of product determined by the director of ecology by rule to
28 present a threat to human health or the environment if released into
29 the environment. The director of ecology shall not add or delete
30 substances from this definition more often than twice during each
31 calendar year. For tax purposes, changes in this definition shall take
32 effect on the first day of the next month that is at least thirty days
33 after the effective date of the rule. The word "product" or "products"
34 as used in this paragraph (d) means an item or items containing both:
35 (i) One or more substances that are hazardous substances under (a),
36 (b), or (c) of this subsection or that are substances or categories of

1 substances determined under this paragraph (d) to present a threat to
2 human health or the environment if released into the environment; and
3 (ii) one or more substances that are not hazardous substances.

4 (2) "Petroleum product" means plant condensate, lubricating oil,
5 gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel oil,
6 residual oil, liquefied or liquefiable gases such as butane, ethane,
7 and propane, and every other product derived from the refining of crude
8 oil, but the term does not include crude oil.

9 (3) "Possession" means the control of a hazardous substance located
10 within this state and includes both actual and constructive possession.
11 "Actual possession" occurs when the person with control has physical
12 possession. "Constructive possession" occurs when the person with
13 control does not have physical possession. "Control" means the power
14 to sell or use a hazardous substance or to authorize the sale or use by
15 another.

16 (4) "Previously taxed hazardous substance" means a hazardous
17 substance in respect to which a tax has been paid under this chapter
18 and which has not been remanufactured or reprocessed in any manner
19 (other than mere repackaging or recycling for beneficial reuse) since
20 the tax was paid.

21 (5) "Wholesale value" means fair market wholesale value, determined
22 as nearly as possible according to the wholesale selling price at the
23 place of use of similar substances of like quality and character, in
24 accordance with rules of the department.

25 (6) Except for terms defined in this section, the definitions in
26 chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

27 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2002."

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31 On page 1, line 2 of the title, after "beginning" strike the
32 remainder of the title and insert "July 1, 2002; amending RCW
33 82.21.020; and providing an effective date."

EFFECT: Updates the effective date to 2002, corrects an inaccurate reference, and makes references to the federal laws, CERCLA and FIFRA, parallel.

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