

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1349

Chapter 27, Laws of 2001

57th Legislature
2001 Regular Legislative Session

DERELICT VESSELS

EFFECTIVE DATE: 7/22/01

Passed by the House March 9, 2001
Yeas 92 Nays 1

FRANK CHOPP
**Speaker of the House of
Representatives**

CLYDE BALLARD
**Speaker of the House of
Representatives**

Passed by the Senate April 4, 2001
Yeas 47 Nays 0

BRAD OWEN
President of the Senate

Approved April 16, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1349** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

April 16, 2001 - 9:36 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1349

Passed Legislature - 2001 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Kessler, Buck, Morris, Sehlin, Linville and Rockefeller)

Read first time . Referred to Committee on .

1 AN ACT Relating to funding for removal and disposal of derelict
2 vessels; amending RCW 70.105D.070; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that there is an
5 increasing number of derelict vessels that have been abandoned in the
6 waters along the shorelines of the state. These vessels pose hazards
7 to navigation and threaten the environment with the potential release
8 of hazardous materials. There is no current federal program that
9 comprehensively addresses this problem, and the legislature recognizes
10 that the state must assist in providing a solution to this increasing
11 hazard.

12 **Sec. 2.** RCW 70.105D.070 and 2000 2nd sp.s. c 1 s 912 are each
13 amended to read as follows:

14 (1) The state toxics control account and the local toxics control
15 account are hereby created in the state treasury.

16 (2) The following moneys shall be deposited into the state toxics
17 control account: (a) Those revenues which are raised by the tax
18 imposed under RCW 82.21.030 and which are attributable to that portion

1 of the rate equal to thirty-three one-hundredths of one percent; (b)
2 the costs of remedial actions recovered under this chapter or chapter
3 70.105A RCW; (c) penalties collected or recovered under this chapter;
4 and (d) any other money appropriated or transferred to the account by
5 the legislature. Moneys in the account may be used only to carry out
6 the purposes of this chapter, including but not limited to the
7 following activities:

8 (i) The state's responsibility for hazardous waste planning,
9 management, regulation, enforcement, technical assistance, and public
10 education required under chapter 70.105 RCW;

11 (ii) The state's responsibility for solid waste planning,
12 management, regulation, enforcement, technical assistance, and public
13 education required under chapter 70.95 RCW;

14 (iii) The hazardous waste cleanup program required under this
15 chapter;

16 (iv) State matching funds required under the federal cleanup law;

17 (v) Financial assistance for local programs in accordance with
18 chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

19 (vi) State government programs for the safe reduction, recycling,
20 or disposal of hazardous wastes from households, small businesses, and
21 agriculture;

22 (vii) Hazardous materials emergency response training;

23 (viii) Water and environmental health protection and monitoring
24 programs;

25 (ix) Programs authorized under chapter 70.146 RCW;

26 (x) A public participation program, including regional citizen
27 advisory committees;

28 (xi) Public funding to assist potentially liable persons to pay for
29 the costs of remedial action in compliance with cleanup standards under
30 RCW 70.105D.030(2)(e) but only when the amount and terms of such
31 funding are established under a settlement agreement under RCW
32 70.105D.040(4) and when the director has found that the funding will
33 achieve both (A) a substantially more expeditious or enhanced cleanup
34 than would otherwise occur, and (B) the prevention or mitigation of
35 unfair economic hardship; and

36 (xii) Development and demonstration of alternative management
37 technologies designed to carry out the top two hazardous waste
38 management priorities of RCW 70.105.150.

1 (3) The following moneys shall be deposited into the local toxics
2 control account: Those revenues which are raised by the tax imposed
3 under RCW 82.21.030 and which are attributable to that portion of the
4 rate equal to thirty-seven one-hundredths of one percent.

5 (a) Moneys deposited in the local toxics control account shall be
6 used by the department for grants or loans to local governments for the
7 following purposes in descending order of priority: (i) Remedial
8 actions; (ii) hazardous waste plans and programs under chapter 70.105
9 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C,
10 70.95I, and 70.105 RCW; ~~((and))~~ (iv) funds for a program to assist in
11 the assessment and cleanup of sites of methamphetamine production, but
12 not to be used for the initial containment of such sites, consistent
13 with the responsibilities and intent of RCW 69.50.511; and (v) cleanup
14 and disposal of hazardous substances from abandoned or derelict vessels
15 that pose a threat to human health or the environment. For purposes of
16 this subsection (3)(a)(v), "abandoned or derelict vessels" means
17 vessels that have little or no value and either have no identified
18 owner or have an identified owner lacking financial resources to clean
19 up and dispose of the vessel. Funds for plans and programs shall be
20 allocated consistent with the priorities and matching requirements
21 established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During
22 the 1999-2001 fiscal biennium, moneys in the account may also be used
23 for the following activities: Conducting a study of whether dioxins
24 occur in fertilizers, soil amendments, and soils; reviewing
25 applications for registration of fertilizers; and conducting a study of
26 plant uptake of metals.

27 (b) Funds may also be appropriated to the department of health to
28 implement programs to reduce testing requirements under the federal
29 safe drinking water act for public water systems. The department of
30 health shall reimburse the account from fees assessed under RCW
31 70.119A.115 by June 30, 1995.

32 (4) Except for unanticipated receipts under RCW 43.79.260 through
33 43.79.282, moneys in the state and local toxics control accounts may be
34 spent only after appropriation by statute.

35 (5) One percent of the moneys deposited into the state and local
36 toxics control accounts shall be allocated only for public
37 participation grants to persons who may be adversely affected by a
38 release or threatened release of a hazardous substance and to not-for-
39 profit public interest organizations. The primary purpose of these

1 grants is to facilitate the participation by persons and organizations
2 in the investigation and remedying of releases or threatened releases
3 of hazardous substances and to implement the state's solid and
4 hazardous waste management priorities. However, during the 1999-2001
5 fiscal biennium, funding may not be granted to entities engaged in
6 lobbying activities, and applicants may not be awarded grants if their
7 cumulative grant awards under this section exceed two hundred thousand
8 dollars. No grant may exceed sixty thousand dollars. Grants may be
9 renewed annually. Moneys appropriated for public participation from
10 either account which are not expended at the close of any biennium
11 shall revert to the state toxics control account.

12 (6) No moneys deposited into either the state or local toxics
13 control account may be used for solid waste incinerator feasibility
14 studies, construction, maintenance, or operation.

15 (7) The department shall adopt rules for grant or loan issuance and
16 performance.

Passed the House March 9, 2001.

Passed the Senate April 4, 2001.

Approved by the Governor April 16, 2001.

Filed in Office of Secretary of State April 16, 2001.