CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6501

Chapter 173, Laws of 2014

63rd Legislature
2014 Regular Session

USED OIL RECYCLING

EFFECTIVE DATE: 06/12/14

Passed by the Senate March 10, 2014
YEAS 48  NAYS 0

BRAD OWEN
President of the Senate

Passed by the House March 5, 2014
YEAS 98  NAYS 0

FRANK CHOPP
Speaker of the House of Representatives

Approved March 31, 2014, 3:26 p.m.

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is ENGROSSED SENATE BILL 6501 as passed by the Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN
Secretary

FILED
March 31, 2014

JAY INSLEE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to used oil recycling; amending RCW 70.95I.020 and 70.95I.030; and adding a new section to chapter 43.21A RCW.

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

Sec. 1. RCW 70.95I.020 and 1991 c 319 s 303 are each amended to read as follows:

(1) Each local government and its local hazardous waste plan under RCW 70.105.220 is required to include a used oil recycling element. This element shall include:

(a) A plan to reach the local goals for household used oil recycling established by the local government and the department under RCW 70.95I.030. The plan shall, to the maximum extent possible, incorporate voluntary agreements with the private sector and state agencies to provide sites for the collection of used oil. Where provided, the plan shall also incorporate residential collection of used oil;

(b) A plan for enforcing the sign and container ordinances required by RCW 70.95I.040;

(c) A plan for public education on used oil recycling; (and)
(d) A plan for addressing best management practices as provided for under RCW 70.95I.030; and

(e) An estimate of funding needed to implement the requirements of this chapter. This estimate shall include a budget reserve for disposal of contaminated oil detected at any public used oil collection site administered by the local government.

(2) By July 1, 1993, each local government or combination of contiguous local governments shall submit its used oil recycling element to the department. The department shall approve or disapprove the used oil recycling element by January 1, 1994, or within ninety days of submission, whichever is later. The department shall approve or disapprove the used oil recycling element if it determines that the element is consistent with this chapter and the guidelines developed by the department under RCW 70.95I.030.

(3) Each local government, or combination of contiguous local governments, shall submit an annual statement to the department describing the number of used oil collection sites and the quantity of household used oil recycled for the jurisdiction during the previous calendar year. The first statement shall be due April 1, 1994. Subsequent statements shall be due April 1st of each year.

(4) Nothing in this section shall be construed to require a city or county to construct or operate a public used oil collection site.

Sec. 2. RCW 70.95I.030 and 1991 c 319 s 304 are each amended to read as follows:

(1) (By July 1, 1992,) The department shall, in consultation with local governments, maintain guidelines for the used oil recycling elements required by RCW 70.95I.020 and, by July 1, 2015, shall develop best management practices for preventing and managing polychlorinated biphenyl contamination at public used oil collection sites.

(a) The guidelines shall:

((a)) (i) Require development of local collection and rerefining goals for household used oil for each entity preparing a used oil recycling element under RCW 70.95I.020;

((b)) (ii) Require local government to recommend the number of used oil collection sites needed to meet the local goals. The
department shall establish criteria regarding minimum levels of used
oil collection sites;

((c))) (iii) Require local government to identify locations
suitable as public used oil collection sites as described under RCW
70.95I.020(1)(a).

(b) The best management practices for preventing and managing
polychlorinated biphenyl contamination at public used oil collection
sites must include, at a minimum:

(i) Tank testing requirements;
(ii) Contaminated tank labeling and security measures;
(iii) Contaminated tank cleanup standards;
(iv) Proper contaminated used oil disposal as required under
chapter 70.105 RCW and 40 C.F.R. Part 761;
(v) Spill control measures; and
(vi) Model contract language for contracts with used oil collection
vendors.

(2) The department may waive all or part of the specific
requirements of RCW 70.95I.020 if a local government demonstrates to
the satisfaction of the department that the objectives of this chapter
have been met.

(3) The department may prepare and implement a used oil recycling
plan for any local government failing to complete the used oil
recycling element of the plan.

(4) The department shall develop statewide collection and
rerefining goals for household used oil for each calendar year
beginning with calendar year 1994. Goals shall be based on the
estimated statewide collection and rerefining rate for calendar year
1993, and shall increase each year until calendar year 1996, when the
rate shall be eighty percent.

(5) By July 1, ((1993)) 2015, the department shall ((prepare)
update the guidelines establishing statewide equipment and operating
standards for public used oil collection sites. The updated guidelines
must include the best management practices for prevention and
management of contaminated used oil developed pursuant to subsection
(1) of this section and a process for how to petition the legislature
for relief of extraordinary costs incurred with the management and
disposal of contaminated used oil. In addition, the standards shall:
(a) Allow the use of used oil collection igloos and other types of portable used oil collection tanks;
(b) Prohibit the disposal of nonhousehold-generated used oil;
(c) Limit the amount of used oil deposited to five gallons per household per day;
(d) Ensure adequate protection against leaks and spills; and
(e) Include other requirements deemed appropriate by the department.

NEW SECTION. Sec. 3. A new section is added to chapter 43.21A RCW to read as follows:

(1) Cities and counties may submit a petition to the department for reimbursement of extraordinary costs associated with managing unforeseen consequences of used oil contaminated with polychlorinated biphenyl and compliance with United States environmental protection agency enforcement orders and enforcement-related agreements.

(2) The department, in consultation with city and county moderate risk waste coordinators, the United States environmental protection agency, and other stakeholders, must process and prioritize city and county petitions that meet the following conditions:

(a) The petitioning city or county has followed and met:
   (i) The updated best management practices guidelines for the collection and management of used oil; and
   (ii) The best management practices for preventing and managing polychlorinated biphenyl contamination, as required under RCW 70.95I.030; and

(b) The department has determined that:
   (i) The costs to the petitioning city or county for disposal of the contaminated oil or for compliance with United States environmental protection agency enforcement orders or enforcement related agreements are extraordinary; and
   (ii) The city or county could not reasonably accommodate or anticipate the extraordinary costs in their normal budget processes by following and meeting the best management practices for oil contaminated with polychlorinated biphenyl.

(3) Before January 1st of each year, the department must develop and submit to the appropriate fiscal committees of the senate and house of representatives a prioritized list of submitted petitions that the
department recommends for funding by the legislature. It is the intent
of the legislature that if funded, the reimbursement of extraordinary
city or county costs associated with polychlorinated biphenyl
management and compliance activities come from the model toxics control
accounts.
Passed by the Senate March 10, 2014.
Passed by the House March 5, 2014.
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