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**SUBSTITUTE SENATE BILL 6009**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser and Franklin)

Read first time 02/03/94.

1 AN ACT Relating to recycling of tires; amending RCW 70.95.020,  
2 70.95.260, 70.95.500, 70.95.510, 70.95.535, 70.95.550, 70.95.555,  
3 70.95.560, and 70.95.565; adding a new section to chapter 70.95 RCW;  
4 prescribing penalties; and providing for submission of a certain  
5 section of this act to a vote of the people.

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

7 **Sec. 1.** RCW 70.95.020 and 1985 c 345 s 2 are each amended to read  
8 as follows:

9 The purpose of this chapter is to establish a comprehensive state-  
10 wide program for solid waste handling, and solid waste recovery and/or  
11 recycling which will prevent land, air, and water pollution and  
12 conserve the natural, economic, and energy resources of this state. To  
13 this end it is the purpose of this chapter:

14 (1) To assign primary responsibility for adequate solid waste  
15 handling to local government, reserving to the state, however, those  
16 functions necessary to assure effective programs throughout the state;

17 (2) To provide for adequate planning for solid waste handling by  
18 local government;

1 (3) To provide for the adoption and enforcement of basic minimum  
2 performance standards for solid waste handling;

3 (4) To provide technical and financial assistance to local  
4 governments in the planning, development, and conduct of solid waste  
5 handling programs;

6 (5) To encourage (~~(storage,)~~) proper disposal(~~(,)~~) and recycling of  
7 discarded vehicle tires and to stimulate private recycling programs  
8 throughout the state.

9 It is the intent of the legislature that local governments be  
10 encouraged to use the expertise of private industry and to contract  
11 with private industry to the fullest extent possible to carry out solid  
12 waste recovery and/or recycling programs.

13 **Sec. 2.** RCW 70.95.260 and 1989 c 431 s 9 are each amended to read  
14 as follows:

15 The department shall in addition to its other powers and duties:

16 (1) Cooperate with the appropriate federal, state, interstate and  
17 local units of government and with appropriate private organizations in  
18 carrying out the provisions of this chapter.

19 (2) Coordinate the development of a solid waste management plan for  
20 all areas of the state in cooperation with local government, the  
21 department of community, trade, and economic development, and other  
22 appropriate state and regional agencies. The plan shall relate to  
23 solid waste management for twenty years in the future and shall be  
24 reviewed biennially, revised as necessary, and extended so that  
25 perpetually the plan shall look to the future for twenty years as a  
26 guide in carrying out a state coordinated solid waste management  
27 program. The plan shall be developed into a single integrated document  
28 and shall be adopted no later than October 1990. The plan shall be  
29 revised regularly after its initial completion so that local  
30 governments revising local comprehensive solid waste management plans  
31 can take advantage of the data and analysis in the state plan.

32 (3) Provide technical assistance to any person as well as to  
33 cities, counties, and industries.

34 (4) Initiate, conduct, and support research, demonstration  
35 projects, and investigations, and coordinate research programs  
36 pertaining to solid waste management systems.

37 (5) Develop state-wide programs to increase public awareness of and  
38 participation in tire recycling, and to stimulate and encourage local

1 private (~~(tire recycling centers)~~) and public participation in tire  
2 recycling.

3 (6) May, under the provisions of the Administrative Procedure Act,  
4 chapter 34.05 RCW, as now or hereafter amended, from time to time  
5 promulgate such rules and regulations as are necessary to carry out the  
6 purposes of this chapter.

7 **Sec. 3.** RCW 70.95.500 and 1985 c 345 s 4 are each amended to read  
8 as follows:

9 (1) No person may drop, deposit, discard, or otherwise dispose of  
10 vehicle tires on any public property or private property in this state  
11 or in the waters of this state whether from a vehicle or otherwise,  
12 including, but not limited to, any public highway, public park, beach,  
13 campground, forest land, recreational area, trailer park, highway,  
14 road, street, or alley unless:

15 (a) The property is designated by the state, or by any of its  
16 agencies or political subdivisions, for the disposal of discarded  
17 vehicle tires; and

18 (b) The person is authorized to use the property for such purpose.

19 (2) A violation of this section is punishable as a gross  
20 misdemeanor or by a civil penalty(~~(, which shall)~~) or both. The civil  
21 penalty may not be less than two hundred dollars nor more than two  
22 thousand dollars for each offense.

23 (3) The responsibility for cleanup of tire piles is the landowner's  
24 and any person in violation of RCW 70.95.550 through 70.95.565, who  
25 arranged for transport or transported the tires to the pile.

26 (4) This section does not apply to (~~(the storage or deposit of)~~)  
27 vehicle tires in quantities deemed exempt under rules adopted by the  
28 department of ecology under its functional standards for solid waste.

29 **Sec. 4.** RCW 70.95.510 and 1989 c 431 s 92 are each amended to read  
30 as follows:

31 There is levied a one dollar per tire fee on the retail sale of new  
32 replacement vehicle tires for a period (~~(of five years,)~~) beginning  
33 (~~(October 1, 1989)~~) January 1, 1995, and ending December 1, 1996. The  
34 fee imposed in this section shall be paid by the buyer to the seller,  
35 and each seller shall collect from the buyer the full amount of the  
36 fee. The fee collected from the buyer by the seller less the ten  
37 percent amount retained by the seller as provided in RCW 70.95.535

1 shall be paid to the department of revenue in accordance with RCW  
2 82.32.045. All other applicable provisions of chapter 82.32 RCW have  
3 full force and application with respect to the fee imposed under this  
4 section. The department of revenue shall administer this section.

5 For the purposes of this section, "new replacement vehicle tires"  
6 means tires that are newly manufactured for vehicle purposes and does  
7 not include retreaded vehicle tires.

8 **Sec. 5.** RCW 70.95.535 and 1989 c 431 s 93 are each amended to read  
9 as follows:

10 (1) Every person engaged in making retail sales of new replacement  
11 vehicle tires in this state shall retain ten percent of the collected  
12 one dollar fee. The moneys retained may be used for costs associated  
13 with the proper management of the waste vehicle tires by the retailer.

14 (2) The department of ecology will administer the funds for the  
15 purposes specified in RCW 70.95.020(5) including, but not limited to:

16 (a) Contracts and grants for cleanup of tire piles that pose a  
17 threat to public health or safety;

18 (b) Making grants to local governments for ((pilot)) demonstration  
19 projects for ((on-site shredding and recycling of)) a variety of  
20 applications that use tires from ((unauthorized dump sites)) this  
21 state;

22 ((b)) (c) Grants to local government for enforcement programs;

23 ((e)) (d) Implementation of a public information and education  
24 program to include posters, signs, and informational materials to be  
25 distributed to retail tire sales and tire service outlets;

26 ((d)) (e) Product marketing studies for recycled tires and  
27 alternatives to land disposal.

28 **Sec. 6.** RCW 70.95.550 and 1988 c 250 s 3 are each amended to read  
29 as follows:

30 Unless the context clearly requires otherwise, the definitions in  
31 this section apply throughout RCW 70.95.555 through 70.95.565.

32 (1) "Processor" means a person permitted and authorized by the  
33 county to alter a tire and make it unusable for its original purpose.

34 (2) "Storage" or "storing" means the placing of ((more than eight  
35 hundred waste tires in a manner that does not constitute final disposal  
36 of the)) waste tires in a location, whether intended to be temporary or  
37 final disposal.

1       (~~(2)~~) (3) "Transportation" or "transporting" means picking up or  
2 transporting waste tires for the purpose of storage or final disposal  
3 but does not include tire wholesalers, retailers, or retread facilities  
4 picking up or delivering tires in the normal course of business.

5       (~~(3)~~) (4) "Waste tires" means tires that are no longer suitable  
6 for their original intended purpose because of wear, damage, or defect.

7       **Sec. 7.** RCW 70.95.555 and 1988 c 250 s 4 are each amended to read  
8 as follows:

9       Any person (~~engaged in the business of~~) transporting (~~or~~  
10 ~~storing~~) waste tires shall (~~be licensed by the department~~) obtain a  
11 license annually from the department and shall obtain an identification  
12 sticker for each motorized vehicle. The sticker shall be located on  
13 the driver's door in a manner that is clearly visible. To obtain a  
14 license, each applicant must:

15       (1) Provide assurances that the applicant is in compliance with  
16 this chapter and the rules regarding waste tire storage and  
17 transportation; (~~and~~)

18       (2) Submit annual tire management plans as defined in rule by the  
19 department; and

20       (3) Post a permit bond in the sum of ten thousand dollars in favor  
21 of the state of Washington. In lieu of the bond, the applicant may  
22 submit financial assurances acceptable to the department.

23       This section does not apply to persons transporting waste tires  
24 under the authority of the Washington utilities and transportation  
25 commission.

26       **Sec. 8.** RCW 70.95.560 and 1989 c 431 s 95 are each amended to read  
27 as follows:

28       Any person who transports or stores waste tires without a license  
29 in violation of RCW 70.95.555 shall be guilty of a gross misdemeanor  
30 (~~and~~) or a civil penalty, or both. Upon conviction of a gross  
31 misdemeanor, the person shall be punished under RCW 9A.20.021(2).

32       **Sec. 9.** RCW 70.95.565 and 1988 c 250 s 6 are each amended to read  
33 as follows:

34       No (~~business~~) person may enter into a contract for:

35       (1) Transportation of waste tires with an unlicensed waste tire  
36 transporter; or

1 (2) Waste tire storage with an unlicensed owner or operator of a  
2 waste tire storage site.

3 A person who utilizes unlicensed waste tire transporters or  
4 contracts with an unlicensed owner or operator of a waste tire storage  
5 site is in violation of this section. Such person shall receive a  
6 written warning on the first offense, and is punishable by a civil  
7 penalty of one thousand dollars for each subsequent offense. This  
8 penalty will not apply to persons who exercise due care to ensure that  
9 a transporter receiving waste tires is regulated by the Washington  
10 utilities and transportation commission or licensed by the department  
11 to do so. Persons contracting for transportation or storage of waste  
12 tires are required to keep documentation that the transporter's  
13 utilities and transportation permit, department license, or other  
14 identification of compliance was checked. Monetary penalties for  
15 violation of this section collected by the court shall be distributed  
16 to the local governmental entity enforcing the provisions of this  
17 section.

18 NEW SECTION. Sec. 10. A new section is added to chapter 70.95 RCW  
19 to read as follows:

20 (1) All tire storage shall comply with the following standards.  
21 This section does not apply to newly manufactured, retreaded, or  
22 remanufactured tires.

23 (a) Storage must be in compliance with all applicable state and  
24 local regulations;

25 (b) Private residential storage may not exceed ten tires;

26 (c) Storage of waste tires at retail outlets is limited to a  
27 maximum of two thousand cubic feet;

28 (d) Retreaders, wholesalers, or used tire retailers may store a  
29 ninety-day inventory of casings, resalable used tires, and scrap, based  
30 on the highest consecutive ninety-day period of the previous year.  
31 Storage limits for new or expanded facilities in the first year of  
32 operation will be set by local governments having jurisdiction based on  
33 justifiable capacity;

34 (e) Processors may store a ninety-day inventory of feedstock, based  
35 on the highest consecutive ninety-day period of the previous year.  
36 Storage limits for new or expanded facilities in the first year of  
37 operation will be set by local governments having jurisdiction based on  
38 justifiable capacity; and

1           (2) The standards of this section shall not affect or supersede any  
2 additional or more stringent requirements for waste tire storage  
3 imposed by the local government.

4           NEW SECTION.   **Sec. 11.** If required under section 13, chapter 2,  
5 Laws of 1994, section 4 of this act shall be submitted to the people  
6 for their adoption and ratification, or rejection, at the next  
7 succeeding general election to be held in this state, in accordance  
8 with Article II, section 1 of the state Constitution, as amended, and  
9 the laws adopted to facilitate the operation thereof.

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