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**SUBSTITUTE HOUSE BILL 1349**

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**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.

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