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SENATE BILL 6043

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State of Washington

57th Legislature

2001 Regular Session

By Senator Finkbeiner

Read first time 02/15/2001. Referred to Committee on Environment, Energy & Water.

1 AN ACT Relating to discarded vehicle tires; amending RCW 70.95.260,  
2 70.95.510, 70.95.520, 70.95.530, 70.95.535, and 70.95.565; amending  
3 2000 c 150 s 1 (uncodified); amending 2000 c 150 s 2 (uncodified);  
4 reenacting and amending RCW 70.95.020; adding a new section to chapter  
5 70.95 RCW; providing effective dates; providing an expiration date; and  
6 declaring an emergency.

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

8 **Sec. 1.** RCW 70.95.020 and 1998 c 156 s 1 and 1998 c 90 s 1 are  
9 each reenacted and amended to read as follows:

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

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

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

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

3 (4) To encourage the development and operation of waste recycling  
4 facilities needed to accomplish the management priority of waste  
5 recycling, and to promote consistency in the requirements for such  
6 facilities throughout the state;

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

10 (6) To encourage ~~((storage,))~~ proper disposal~~((,))~~ and recycling of  
11 discarded vehicle tires and the use of new technologies to convert  
12 discarded vehicle tires into energy;

13 (7) To stimulate private recycling programs throughout the state;  
14 and

15 ~~((+7))~~ (8) To encourage the development and operation of waste  
16 recycling facilities and activities needed to accomplish the management  
17 priority of waste recycling and to promote consistency in the  
18 permitting requirements for such facilities and activities throughout  
19 the state.

20 It is the intent of the legislature that local governments be  
21 encouraged to use the expertise of private industry and to contract  
22 with private industry to the fullest extent possible to carry out solid  
23 waste recovery ~~((and/or))~~ and recycling programs.

24 **Sec. 2.** RCW 70.95.260 and 1995 c 399 s 189 are each amended to  
25 read as follows:

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

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

30 (2) Coordinate the development of a solid waste management plan for  
31 all areas of the state in cooperation with local government, the  
32 department of community, trade, and economic development, and other  
33 appropriate state and regional agencies. The plan shall relate to  
34 solid waste management for twenty years in the future and shall be  
35 reviewed biennially, revised as necessary, and extended so that  
36 perpetually the plan shall look to the future for twenty years as a  
37 guide in carrying out a state coordinated solid waste management  
38 program. The plan shall be developed into a single integrated document

1 and shall be (~~adopted no later than October 1990. The plan shall be~~)  
2 revised regularly after its initial completion so that local  
3 governments revising local comprehensive solid waste management plans  
4 can take advantage of the data and analysis in the state plan.

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

7 (4) Initiate, conduct, and support research, demonstration  
8 projects, and investigations, and coordinate research programs  
9 pertaining to solid waste management systems, including the use of new  
10 technologies to convert discarded vehicle tires into energy.

11 (5) Develop statewide programs to increase public awareness of and  
12 participation in tire recycling, and to stimulate and encourage local  
13 private tire recycling centers and public participation in tire  
14 recycling.

15 (6) (~~May, under the provisions of the Administrative Procedure~~  
16 ~~Act, chapter 34.05 RCW, as now or hereafter amended, from time to~~  
17 ~~time~~) Promulgate such rules (~~and regulations~~) as are necessary to  
18 carry out the purposes of this chapter.

19 **Sec. 3.** RCW 70.95.510 and 1989 c 431 s 92 are each amended to read  
20 as follows:

21 There is levied a one dollar per tire fee on the retail sale of new  
22 replacement vehicle tires (~~for a period of five years, beginning~~  
23 ~~October 1, 1989~~). The fee imposed in this section shall be paid by  
24 the buyer to the seller, and each seller shall collect from the buyer  
25 the full amount of the fee. The fee collected from the buyer by the  
26 seller less the ten percent amount retained by the seller as provided  
27 in RCW 70.95.535 shall be paid to the department of revenue in  
28 accordance with RCW 82.32.045. All other applicable provisions of  
29 chapter 82.32 RCW have full force and application with respect to the  
30 fee imposed under this section. The department of revenue shall  
31 administer this section.

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

35 This section expires January 1, 2012.

36 **Sec. 4.** RCW 70.95.520 and 1996 c 283 s 902 are each amended to  
37 read as follows:

1        There is created an account within the state treasury to be known  
2 as the vehicle tire recycling account. All assessments and other funds  
3 collected or received under this chapter shall be deposited in the  
4 vehicle tire recycling account and used by the department of ecology  
5 for administration and implementation of this chapter. (~~After October~~  
6 ~~1, 1989,~~) The department of revenue shall deduct two percent from  
7 funds collected pursuant to RCW 70.95.510 for the purpose of  
8 administering and collecting the fee from new replacement vehicle tire  
9 retailers.

10        (~~During the 1995-97 biennium, funds in the account may be~~  
11 ~~appropriated to support recycling market development activities by~~  
12 ~~state agencies.~~)

13        **Sec. 5.** RCW 70.95.530 and 1988 c 250 s 1 are each amended to read  
14 as follows:

15        Moneys in the vehicle tire recycling account (~~may~~) shall be  
16 appropriated to the department of ecology:

17        (1) To provide for funding to state and local governments for the  
18 removal of discarded vehicle tires from unauthorized tire dump sites;

19        (2) To (~~accomplish the other purposes of RCW 70.95.020(5)~~)  
20 encourage proper disposal and recycling of discarded vehicle tires;  
21 (~~and~~)

22        (3) To (~~fund the study authorized in section 2, chapter 250, Laws~~  
23 ~~of 1988~~) facilitate use of new technologies to convert discarded  
24 vehicle tires into energy; and

25        (4) To provide local governments with grants for enforcement  
26 programs designed to address the illegal disposal of tires.

27        In spending funds in the account under this section, the department  
28 of ecology shall identify communities with the most severe problems  
29 with waste tires and provide funds first to projects in those  
30 communities that seek to remove accumulations of waste tires through  
31 use of new technologies that convert discarded vehicle tires into  
32 energy.

33        **Sec. 6.** RCW 70.95.535 and 1989 c 431 s 93 are each amended to read  
34 as follows:

35        (~~(1)~~) Every person engaged in making retail sales of new  
36 replacement vehicle tires in this state shall retain ten percent of the  
37 collected one dollar fee. The moneys retained may be used for costs

1 associated with the proper management of the waste vehicle tires by the  
2 retailer.

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

5 ~~(a) Making grants to local governments for pilot demonstration  
6 projects for on-site shredding and recycling of tires from unauthorized  
7 dump sites;~~

8 ~~(b) Grants to local government for enforcement programs;~~

9 ~~(c) Implementation of a public information and education program to  
10 include posters, signs, and informational materials to be distributed  
11 to retail tire sales and tire service outlets;~~

12 ~~(d) Product marketing studies for recycled tires and alternatives  
13 to land disposal.))~~

14 NEW SECTION. **Sec. 7.** A new section is added to chapter 70.95 RCW  
15 to read as follows:

16 For the purposes of RCW 70.95.020, 70.95.260, and 70.95.530, the  
17 phrase "new technologies to convert discarded vehicle tires into  
18 energy" means the use of tires as a fuel source with an electrothermal  
19 technology used in a noncombustive, oxygen-reduced process, that  
20 results in low emissions of air pollution, produces highly stable,  
21 leach-resistant products that are of commercial value, and is a net  
22 producer of energy.

23 **Sec. 8.** RCW 70.95.565 and 1988 c 250 s 6 are each amended to read  
24 as follows:

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

26 (1) Transportation of waste tires with an unlicensed waste tire  
27 transporter; or

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

30 **Sec. 9.** 2000 c 150 s 1 (uncodified) is amended to read as follows:

31 (1) On July 1, 2001, any remaining fund balances in the following  
32 accounts are transferred to the state wildlife account:

33 (a) The aquaculture disease control account;

34 (b) The Cedar river channel construction and operation account; and

35 (c) The wildlife conservation reward fund.

1 (2) On July 1, 2001, any remaining fund balances in the following  
2 accounts are transferred to the parks renewal and stewardship account:  
3 (a) The state wildlife and recreation lands management account;  
4 (b) The state and local improvements revolving account; and  
5 (c) The underwater park account.  
6 (3) On July 1, 2001, any remaining fund balances in the following  
7 accounts are transferred to the state toxics control account:  
8 (a) The clean Washington account; and  
9 (b) ~~((The vehicle tire recycling account; and~~  
10 ~~(c))~~) The solid waste management account.

11 **Sec. 10.** 2000 c 150 s 2 (uncodified) is amended to read as  
12 follows:

13 The following acts or parts of acts are each repealed:

14 (1) RCW 79A.20.020 (State wildlife and recreation lands management  
15 account) and 1992 c 153 s 4;

16 (2) RCW 75.58.020 (Disease inspection and control program--User  
17 fees--Aquaculture disease control account) and 1993 sp.s. c 2 s 56 &  
18 1985 c 457 s 9;

19 (3) RCW 70.95H.800 (Clean Washington account) and 1991 c 319 s 212;

20 (4) ~~((RCW 70.95.520 (Vehicle tire recycling account--Deposit of  
21 funds) and 1996 c 283 s 902, 1989 c 431 s 94, & 1985 c 345 s 6;~~

22 ~~(5))~~) RCW 70.95.800 (Solid waste management account--Expenditures)  
23 and 1993 c 130 s 2, 1991 sp.s. c 13 s 73, & 1989 c 431 s 90;

24 ~~((6))~~) (5) RCW 43.21J.020 (Environmental and forest restoration  
25 account) and 1993 c 516 s 3;

26 ~~((7))~~) (6) RCW 43.83C.030 (Proceeds to be deposited in state and  
27 local improvements revolving account) and 1991 sp.s. c 13 s 54, 1985 c  
28 57 s 47, & 1972 ex.s. c 129 s 3;

29 ~~((8))~~) (7) RCW 79A.05.365 (Underwater parks--Fees--Underwater park  
30 account) and 1993 c 267 s 3;

31 ~~((9))~~) (8) RCW 75.52.140 (Cedar river spawning channel--Transfer  
32 of funds) and 1989 c 85 s 7; and

33 ~~((10))~~) (9) RCW 77.21.080 (Wildlife conservation reward fund) and  
34 1989 c 11 s 29 & 1987 c 506 s 75.

35 NEW SECTION. **Sec. 11.** Sections 1 through 3, 5, and 7 of this act  
36 take effect January 1, 2002.

1        NEW SECTION.    **Sec. 12.**    Sections 4, 9, and 10 of this act are  
2 necessary for the immediate preservation of the public peace, health,  
3 or safety, or support of the state government and its existing public  
4 institutions, and take effect June 30, 2001.

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