

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 6501**

63rd Legislature  
2014 Regular Session

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

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**President of the Senate**

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

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

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.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SENATE BILL 6501**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2014 Regular Session

**State of Washington                      63rd Legislature                      2014 Regular Session**

**By** Senators Ericksen and Darneille

Read first time 01/30/14. Referred to Committee on Energy, Environment & Telecommunications.

1            AN ACT Relating to used oil recycling; amending RCW 70.95I.020 and  
2            70.95I.030; and adding a new section to chapter 43.21A RCW.

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

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

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

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

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

18            (c) A plan for public education on used oil recycling; ~~((and))~~

1           (d) A plan for addressing best management practices as provided for  
2 under RCW 70.95I.030; and

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

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

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

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

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

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

31           (a) The guidelines shall:

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

35           (~~(b)~~) (ii) Require local government to recommend the number of  
36 used oil collection sites needed to meet the local goals. The

1 department shall establish criteria regarding minimum levels of used  
2 oil collection sites;

3 ~~((e))~~ (iii) Require local government to identify locations  
4 suitable as public used oil collection sites as described under RCW  
5 70.95I.020(1)(a).

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

9 (i) Tank testing requirements;

10 (ii) Contaminated tank labeling and security measures;

11 (iii) Contaminated tank cleanup standards;

12 (iv) Proper contaminated used oil disposal as required under  
13 chapter 70.105 RCW and 40 C.F.R. Part 761;

14 (v) Spill control measures; and

15 (vi) Model contract language for contracts with used oil collection  
16 vendors.

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

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

24 (4) The department shall develop statewide collection and  
25 rerefining goals for household used oil for each calendar year  
26 beginning with calendar year 1994. Goals shall be based on the  
27 estimated statewide collection and rerefining rate for calendar year  
28 1993, and shall increase each year until calendar year 1996, when the  
29 rate shall be eighty percent.

30 (5) By July 1, ~~((1993))~~ 2015, the department shall ~~((prepare))~~  
31 update the guidelines establishing statewide equipment and operating  
32 standards for public used oil collection sites. The updated guidelines  
33 must include the best management practices for prevention and  
34 management of contaminated used oil developed pursuant to subsection  
35 (1) of this section and a process for how to petition the legislature  
36 for relief of extraordinary costs incurred with the management and  
37 disposal of contaminated used oil. In addition, the standards shall:

- 1 (a) Allow the use of used oil collection igloos and other types of  
2 portable used oil collection tanks;
- 3 (b) Prohibit the disposal of nonhousehold-generated used oil;
- 4 (c) Limit the amount of used oil deposited to five gallons per  
5 household per day;
- 6 (d) Ensure adequate protection against leaks and spills; and
- 7 (e) Include other requirements deemed appropriate by the  
8 department.

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

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

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

20 (a) The petitioning city or county has followed and met:

21 (i) The updated best management practices guidelines for the  
22 collection and management of used oil; and

23 (ii) The best management practices for preventing and managing  
24 polychlorinated biphenyl contamination, as required under RCW  
25 70.95I.030; and

26 (b) The department has determined that:

27 (i) The costs to the petitioning city or county for disposal of the  
28 contaminated oil or for compliance with United States environmental  
29 protection agency enforcement orders or enforcement related agreements  
30 are extraordinary; and

31 (ii) The city or county could not reasonably accommodate or  
32 anticipate the extraordinary costs in their normal budget processes by  
33 following and meeting the best management practices for oil  
34 contaminated with polychlorinated biphenyl.

35 (3) Before January 1st of each year, the department must develop  
36 and submit to the appropriate fiscal committees of the senate and house  
37 of representatives a prioritized list of submitted petitions that the

1 department recommends for funding by the legislature. It is the intent  
2 of the legislature that if funded, the reimbursement of extraordinary  
3 city or county costs associated with polychlorinated biphenyl  
4 management and compliance activities come from the model toxics control  
5 accounts.

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