

1 **2SSB 5591** - H COMM AMD **Adopted 4-19-91**
2 By Committee on Revenue

3 Strike everything after the enacting clause and insert the
4 following:

5 "PART I
6 PACKAGING

7 **Sec. 101.** RCW 70.93.020 and 1979 c 94 s 2 are each amended to
8 read as follows:

9 The purpose of this chapter is to accomplish litter control
10 and stimulate private recycling programs throughout this state by
11 delegating to the department of ecology the authority to:

12 (1) Conduct a permanent and continuous program to control and
13 remove litter from this state to the maximum practical extent
14 possible;

15 (2) Recover and recycle waste materials related to litter and
16 littering;

17 (3) Foster private recycling and markets for recyclable
18 materials; and

19 (4) Increase public awareness of the need for recycling and
20 litter control. It is further the intent and purpose of this
21 chapter to create jobs for employment of youth in litter cleanup
22 and related activities and to stimulate and encourage small,

1 private recycling centers. This program shall include the
2 compatible goal of recovery of recyclable materials to conserve
3 energy and natural resources wherever practicable. Every other
4 department of state government and all local governmental units and
5 agencies of this state shall cooperate with the department of
6 ecology in the administration and enforcement of this chapter. The
7 intent of this chapter is to add to and to coordinate existing
8 recycling and litter control and removal efforts and not terminate
9 or supplant such efforts.

10 **Sec. 102.** RCW 70.93.030 and 1979 c 94 s 3 are each amended to
11 read as follows:

12 As used in this chapter unless the context indicates
13 otherwise:

14 (1) "Department" means the department of ecology;

15 (2) "Director" means the director of the department of
16 ecology;

17 (3) "Disposable package or container" means all packages or
18 containers defined as such by rules and regulations adopted by the
19 department of ecology;

20 (4) "Litter" means all waste material including but not
21 limited to disposable packages or containers thrown or deposited as
22 herein prohibited but not including the wastes of the primary
23 processes of mining, logging, sawmilling, farming, or
24 manufacturing;

25 (5) "Litter bag" means a bag, sack, or other container made of

1 any material which is large enough to serve as a receptacle for
2 litter inside the vehicle or watercraft of any person. It is not
3 necessarily limited to the state approved litter bag but must be
4 similar in size and capacity;

5 (6) "Litter receptacle" means those containers adopted by the
6 department of ecology and which may be standardized as to size,
7 shape, capacity, and color and which shall bear the state anti-
8 litter symbol, as well as any other receptacles suitable for the
9 depositing of litter;

10 (7) "Person" means any political subdivision, government
11 agency, municipality, industry, public or private corporation,
12 copartnership, association, firm, individual, or other entity
13 whatsoever;

14 (8) "Recycling" means (~~the process of separating, cleansing,~~
15 ~~treating, and reconstituting used or discarded litter-related~~
16 ~~materials for the purpose of recovering and reusing the resources~~
17 ~~contained therein~~) transforming or remanufacturing waste materials
18 into a finished product for use other than landfill disposal or
19 incineration;

20 (9) "Recycling center" means a central collection point for
21 recyclable materials;

22 (10) "Vehicle" includes every device capable of being moved
23 upon a public highway and in, upon, or by which any persons or
24 property is or may be transported or drawn upon a public highway,
25 excepting devices moved by human or animal power or used

1 exclusively upon stationary rails or tracks;

2 (11) "Watercraft" means any boat, ship, vessel, barge, or
3 other floating craft;

4 (12) "Public place" means any area that is used or held out
5 for use by the public whether owned or operated by public or
6 private interests.

7 NEW SECTION. **Sec. 103.** Unless the context clearly requires
8 otherwise, the definitions in this section apply throughout this
9 chapter.

10 (1) "Container," unless otherwise specified, refers to "rigid
11 plastic container" or "plastic bottle" as those terms are defined
12 in this section.

13 (2) "Distributors" means those persons engaged in the
14 distribution of packaged goods for sale in the state of Washington,
15 including manufacturers, wholesalers, and retailers.

16 (3) "Label" means a molded, imprinted, or raised symbol on or
17 near the bottom of a plastic container or bottle.

18 (4) "Person" means an individual, sole proprietor,
19 partnership, association, or other legal entity.

20 (5) "Plastic" means a material made of polymeric organic
21 compounds and additives that can be shaped by flow.

22 (6) "Plastic bottle" means a plastic container intended for
23 single use that has a neck that is smaller than the body of the
24 container, accepts a screw-type, snap cap, or other closure and has

1 a capacity of sixteen fluid ounces or more, but less than five
2 gallons.

3 (7) "Rigid plastic container" means a formed or molded
4 container, other than a bottle, intended for single use, composed
5 predominantly of plastic resin, and having a relatively inflexible
6 finite shape or form with a capacity of eight ounces or more but
7 less than five gallons.

8 NEW SECTION. **Sec. 104.** (1) The provisions of this section
9 and any rules adopted under this section shall be interpreted to
10 conform with nation-wide plastics industry standards.

11 (2) Except as provided in section 105(2) of this act, after
12 January 1, 1992, no person may distribute, sell, or offer for sale
13 in this state a plastic bottle or rigid plastic container unless
14 the container is labeled with a code identifying the appropriate
15 resin type used to produce the structure of the container. The code
16 shall consist of a number placed within three triangulated arrows
17 and letters placed below the triangle of arrows. The triangulated
18 arrows shall be equilateral, formed by three arrows with the apex
19 of each point of the triangle at the midpoint of each arrow,
20 rounded with a short radius. The pointer (arrowhead) of each arrow
21 shall be at the midpoint of each side of the triangle with a short
22 gap separating the pointer from the base of the adjacent arrow. The
23 triangle, formed by the three arrows curved at their midpoints
24 shall depict a clockwise path around the code number. The numbers

1 and letters used shall be as follows:

2 (a) 1. = PETE (polyethylene terephthalate)

3 (b) 2. = HDPE (high density polyethylene)

4 (c) 3. = V (vinyl)

5 (d) 4. = LDPE (low density polyethylene)

6 (e) 5. = PP (polypropylene)

7 (f) 6. = PS (polystyrene)

8 (g) 7. = OTHER

9 NEW SECTION. **Sec. 105.** (1) A person who, after written
10 notice from the department, violates section 104 of this act is
11 subject to a civil penalty of fifty dollars for each violation up
12 to a maximum of five hundred dollars and may be enjoined from
13 continuing violations. Each distribution constitutes a separate
14 offense.

15 (2) Retailers and distributors shall have two years from the
16 effective date of this section to clear current inventory,
17 delivered or received and held in their possession as of the
18 effective date of this section.

19 NEW SECTION. **Sec. 106.** The legislature finds and declares
20 that:

21 (1) The management of solid waste can pose a wide range of
22 hazards to public health and safety and to the environment;

23 (2) Packaging comprises a significant percentage of the

1 overall solid waste stream;

2 (3) The presence of heavy metals in packaging is a part of the
3 total concern in light of their likely presence in emissions or ash
4 when packaging is incinerated, or in leachate when packaging is
5 landfilled;

6 (4) Lead, mercury, cadmium, and hexavalent chromium, on the
7 basis of available scientific and medical evidence, are of
8 particular concern;

9 (5) The intent of this chapter is to achieve a reduction in
10 toxicity without impeding or discouraging the expanded use of
11 postconsumer materials in the production of packaging and its
12 components.

13 NEW SECTION. **Sec. 107.** Unless the context clearly requires
14 otherwise, the definitions in this section apply throughout this
15 chapter.

16 (1) "Package" means a container providing a means of
17 marketing, protecting, or handling a product and shall include a
18 unit package, an intermediate package, and a shipping container.
19 "Package" also means and includes unsealed receptacles such as
20 carrying cases, crates, cups, pails, rigid foil and other trays,
21 wrappers and wrapping films, bags, and tubs.

22 (2) "Manufacturer" means a person, firm, or corporation that
23 applies a package to a product for distribution or sale.

24 (3) "Packaging component" means an individual assembled part

1 of a package such as, but not limited to, any interior or exterior
2 blocking, bracing, cushioning, weatherproofing, exterior strapping,
3 coatings, closures, inks, and labels.

4 NEW SECTION. **Sec. 108.** The sum of the concentration levels
5 of lead, cadmium, mercury, and hexavalent chromium present in any
6 product, package, or packaging component shall not exceed the
7 following:

8 (1) 600 parts per million by weight effective July 1, 1993;

9 (2) 250 parts per million by weight effective July 1, 1994;

10 and

11 (3) 100 parts per million by weight effective July 1, 1995
12 after the effective date of this section.

13 This section shall apply only to lead, cadmium, mercury, and
14 hexavalent chromium that has been intentionally introduced as an
15 element during manufacturing or distribution.

16 NEW SECTION. **Sec. 109.** All packages and packaging components
17 shall be subject to this chapter except the following:

18 (1) Those packages or package components with a code
19 indicating date of manufacture that were manufactured prior to the
20 effective date of this section;

21 (2) Those packages or packaging components that have been
22 purchased by, delivered to, or are possessed by a retailer on or
23 before twenty-four months following the effective date of this

1 section to permit opportunity to clear existing inventory of the
2 proscribed packaging material;

3 (3) Those packages or packaging components to which lead,
4 cadmium, mercury, or hexavalent chromium have been added in the
5 manufacturing, forming, printing, or distribution process in order
6 to comply with health or safety requirements of federal law or for
7 which there is no feasible alternative; or

8 (4) Those packages and packaging components that would not
9 exceed the maximum contaminant levels set forth in section 108(1)
10 of this act but for the addition of postconsumer materials; and
11 provided that the exemption for this subsection shall expire six
12 years after the effective date of this section.

13 NEW SECTION. **Sec. 110.** By July 1, 1993, a certificate of
14 compliance stating that a package or packaging component is in
15 compliance with the requirements of this chapter shall be developed
16 by its manufacturer. If compliance is achieved under the exemption
17 or exemptions provided in section 109 (3) or (4) of this act, the
18 certificate shall state the specific basis upon which the exemption
19 is claimed. The certificate of compliance shall be signed by an
20 authorized official of the manufacturing company. The certificate
21 of compliance shall be kept on file by the manufacturer for as long
22 as the package or packaging component is in use, and for three
23 years from the date of the last sale or distribution by the
24 manufacturer. Certificates of compliance, or copies thereof, shall

1 be furnished to the department of ecology upon request within sixty
2 days. If manufacturers are required under any other state statute
3 to provide a certificate of compliance, one certificate may be
4 developed containing all required information.

5 If the manufacturer or supplier of the package or packaging
6 component reformulates or creates a new package or packaging
7 component, the manufacturer shall develop an amended or new
8 certificate of compliance for the reformulated or new package or
9 packaging component.

10 NEW SECTION. **Sec. 111.** Requests from a member of the public
11 for any certificate of compliance shall be:

12 (1) Made in writing to the department of ecology;

13 (2) Made specific as to package or packaging component
14 information requested; and

15 (3) Responded to by the department of ecology within ninety
16 days.

17 NEW SECTION. **Sec. 112.** The department of ecology may
18 prohibit the sale of any package for which a manufacturer has
19 failed to respond to a request by the department for a certificate
20 of compliance within the allotted period of time pursuant to
21 section 110 of this act.

22 NEW SECTION. **Sec. 113.** By July 1, 1993, the solid waste

1 advisory committee created under chapter 70.95 RCW shall report to
2 the appropriate standing committees of the legislature on the
3 effectiveness of reducing toxic metals from packaging. The report
4 shall contain recommendations to add other toxic substances
5 contained in packaging to the list set forth in this chapter,
6 including but not limited to mutagens, carcinogens, and teratogens,
7 in order to further reduce the toxicity of packaging waste, and
8 shall contain a recommendation regarding imposition of penalty for
9 violation of section 108 of this act, and a recommendation whether
10 or not to continue the recycling exemption as it is provided for in
11 section 109 of this act.

12 **Sec. 114.** RCW 70.95C.120 and 1989 c 431 s 54 are each amended
13 to read as follows:

14 The office of waste reduction shall develop, in consultation
15 with the superintendent of public instruction, an awards program to
16 achieve waste reduction and recycling in the public schools, grades
17 kindergarten through high school. The office shall develop
18 guidelines for program development and implementation. Each public
19 school shall implement a waste reduction and recycling program
20 conforming to guidelines developed by the office.

21 For the purpose of granting awards, the office may group
22 schools into not more than three classes, based upon student
23 population, distance to markets for recyclable materials, and other
24 criteria, as deemed appropriate by the office. Except as otherwise

1 provided, five or more awards shall be granted to each of the three
2 classes. Each award shall be a sum of not less than two thousand
3 dollars nor more than five thousand dollars. Awards shall be
4 granted each year to the schools that achieve the greatest levels
5 of waste reduction and recycling. ~~((Each))~~ A single award ~~((shall~~
6 ~~be of a sum))~~ of not less than ~~((ten))~~ five thousand dollars shall
7 be presented to the school having the best recycling program as
8 measured by the total amount of materials recycled, including
9 materials generated outside of the school. A single award of not
10 less than five thousand dollars shall be presented to the school
11 having the best waste reduction program as determined by the
12 office. ~~((The office shall also develop recommendations for an~~
13 ~~awards program for waste reduction in the public schools. The~~
14 ~~office shall submit these recommendations to the appropriate~~
15 ~~standing committees in the house of representatives and senate on~~
16 ~~or before November 30, 1989.))~~

17 The superintendent of public instruction shall distribute
18 guidelines and other materials developed by the office to implement
19 programs to reduce and recycle waste generated in administrative
20 offices, classrooms, laboratories, cafeterias, and maintenance
21 operations.

22 NEW SECTION. Sec. 115. There is established the task force
23 on recycling funding. The task force shall consist of fourteen
24 members as follows: (1) Two members of the house of

1 representatives appointed by the speaker of the house of
2 representatives with one member from each of the two caucuses of
3 the house of representatives; (2) two members of the senate
4 appointed by the president of the senate with one member from each
5 of the two caucuses of the senate; (3) seven members appointed by
6 the director of the department of trade and economic development;
7 with one each representing manufacturers, wholesalers, retailers,
8 cities, counties, recyclers, and an environmental organization; and
9 (4) three members representing the departments of ecology, trade
10 and economic development, and revenue appointed by their respective
11 directors. The agency representatives shall be non-voting except
12 for the election of the chair, which shall be made a simple
13 majority vote of all members.

14 The task force shall study long-term funding mechanisms and
15 develop specific recommendations for the clean washington center,
16 recycling systems, comprehensive waste reduction, and diversion
17 from landfill and mass burn incineration. The task force shall
18 report its findings and recommended legislation to the appropriate
19 standing committees of the legislature no later than December 1,
20 1991.

21 This section shall expire January 1, 1992.

22 NEW SECTION. **Sec. 116.** Sections 103 through 105 of this act
23 and sections 106 through 113 shall each constitute a new chapter in
24 Title 70 RCW.

PART II

CLEAN WASHINGTON CENTER

NEW SECTION. **Sec. 201.** (1) The legislature finds that:

(a) Recycling conserves energy and landfill space, provides jobs and valuable feedstock materials to industry, and promotes health and environmental protection;

(b) Seventy-eight percent of the citizens of the state actively participate in recycling programs and Washington currently has the highest recycling rate in the nation;

(c) The current supply of many recycled commodities far exceeds the demand for such commodities;

(d) Many local governments and private entities cumulatively affect, and are affected by, the market for recycled commodities but have limited jurisdiction and cannot adequately address the problems of market development that are complex, wide-ranging, and regional in nature; and

(e) The private sector has the greatest capacity for creating and expanding markets for recycled commodities, and the development of private markets for recycled commodities is in the public interest.

(2) It is therefore the policy of the state to create a single entity to be known as the clean washington center to develop new, and expand existing, markets for recycled commodities.

1 NEW SECTION. **Sec. 202.** There is created the clean washington
2 within the department of trade and economic development. As used
3 in this chapter, "center" means the clean washington center.

4 NEW SECTION. **Sec. 203.** The purpose of the center is to
5 provide or facilitate business assistance, basic and applied
6 research and development, marketing, public education, and policy
7 analysis in furthering the development of markets for recycled
8 products. As used in this chapter, market development consists of
9 public and private activities that are used to overcome impediments
10 preventing full use of secondary materials diverted from the waste
11 stream, and that encourage and expand use of those materials and
12 subsequent products. In fulfilling this mission the center shall
13 primarily direct its services to recycling businesses, which as
14 used in this chapter mean those businesses engaged in transforming
15 or remanufacturing waste materials into usable or marketable
16 materials or products for use other than landfill disposal or
17 incineration.

18 NEW SECTION. **Sec. 204.** (1) The center's activities shall be
19 conducted with the assistance of a policy board. Except as
20 otherwise provided, policy board members shall be appointed by the
21 directors of the department of trade and economic development and
22 department of ecology as follows:

23 (a) Two representatives of the legislature, one appointed by

1 the speaker of the house of representatives and one appointed by
2 the president of the senate;

3 (b) One member to represent cities;

4 (c) One member to represent counties;

5 (d) Five private sector members to represent the end users
6 and marketers of post consumer recovered materials, including one
7 member to represent recycling businesses;

8 (e) The directors of the departments of trade and economic
9 development and ecology shall represent the executive branch as
10 non-voting members; and

11 (f) Non-voting, temporary appointments to the board can be
12 made by the chairman where specific expertise is needed.

13 (2) The initial appointments of the five private sector
14 members will be two members with three-year terms and three members
15 with two year terms. Thereafter, members shall serve two-year
16 renewable terms. Vacancies shall be filled by the chair with
17 majority consent from the members.

18 (3) Members of the board, exclusive of those representing the
19 legislative or executive branches, shall be reimbursed for travel
20 expenses as provided in RCW 43.03.050 and 43.03.060

21 (4) The board shall meet at least quarterly.

22 (5) The chair shall be elected from among the members by a
23 simple majority vote.

24 (6) The board may adopt and exercise bylaws for the
25 regulation of its business for the purposes of this chapter.

1 NEW SECTION. **Sec. 205.** The center shall:

2 (1) Provide targeted business assistance to recycling
3 businesses, including:

4 (a) Development of business plans;

5 (b) Market research and planning information;

6 (c) Access to financing programs;

7 (d) Referral and information on market conditions; and

8 (e) Information on new technology and product development;

9 (2) Negotiate voluntary agreements with manufacturers to
10 increase the use of recycled materials in product development;

11 (3) Support and provide research and development to stimulate
12 and commercialize new and existing technologies and products using
13 recycled materials;

14 (4) Undertake an integrated, comprehensive education effort
15 directed to recycling businesses to promote processing,
16 manufacturing, and purchase of recycled products, including:

17 (a) Provide information to recycling businesses on the
18 availability and benefits of using recycled materials;

19 (b) Provide information and referral services on recycled
20 material markets;

21 (c) Provide information on new research and technologies that
22 may be used by local businesses and governments; and

23 (d) Participate in projects to demonstrate new market uses or
24 applications for recycled products;

25 (5) Assist the departments of ecology and general

1 administration in the development of consistent definitions and
2 standards on recycled content, product performance, and
3 availability;

4 (6) Undertake studies on the unmet capital needs of
5 reprocessing and manufacturing firms using recycled materials;

6 (7) Undertake and participating in marketing promotions for
7 the purposes of achieving expanded market penetration for recycled
8 content products;

9 (8) Coordinate with the department of ecology to ensure that
10 the education programs of both are mutually reinforcing, with the
11 center acting as the lead entity with respect to recycling
12 businesses, and the department as the lead entity with respect to
13 the general public and retailers;

14 (9) Develop an annual work plan. The plan shall describe
15 actions and recommendations for developing markets for commodities
16 comprising a significant percentage of the waste stream and having
17 potential for use as an industrial or commercial feedstock. The
18 initial plan shall address, but not be limited to, mixed waste
19 paper, waste tires, yard and food waste, and plastics; and

20 (10) Represent the state in regional and national market
21 development issues.

22 NEW SECTION. **Sec. 206.** In order to carry out its
23 responsibilities under this chapter, the center may:

24 (1) Receive such gifts, grants, funds, fees, and endowments,

1 in trust or otherwise, for the use and benefit of the purposes of
2 the center. The center may expend the same or any income therefrom
3 according to the terms of the gifts, grants, or endowments;

4 (2) Initiate, conduct, or contract for studies and searches
5 relating to market development for recyclable materials, including
6 but not limited to applied research, technology transfer, and pilot
7 demonstration projects;

8 (3) Obtain and disseminate information relating to market
9 development for recyclable materials from other state and local
10 agencies;

11 (4) Enter into, amend, and terminate contracts with
12 individuals, corporations, trade associations, and research
13 institutions for the purposes of this chapter;

14 (5) Provide grants to local governments or other public
15 institutions to further the development of recycling markets;

16 (6) Provide business and marketing assistance to public and
17 private sector entities within the state; and

18 (7) Evaluate, analyze, and make recommendations on state
19 policies that may affect markets for recyclable materials.

20 NEW SECTION. **Sec. 207.** The center shall solicit financial
21 contributions and support from manufacturing industries and other
22 private sector sources, foundations, and grants from governmental
23 sources to assist in conducting its activities. It may also use
24 separately appropriated funds of the department of trade and

1 economic development for the center's activities.

2 NEW SECTION. **Sec. 208.** The center may appoint advisory
3 committees to assist in the development or implementation of the
4 work plan.

5 NEW SECTION. **Sec. 209.** The center shall terminate on June
6 30, 1997.

7 **Sec. 210.** RCW 43.31.545 and 1989 c 431 s 64 are each amended
8 to read as follows:

9 (1) The department is the lead state agency to assist in
10 establishing and improving markets for recyclable materials
11 generated in the state. ~~((This priority on creating and expanding~~
12 ~~a recyclables market should be fully integrated into the current~~
13 ~~targeted sector marketing programs of the department. In carrying~~
14 ~~out these marketing responsibilities, the department shall work~~
15 ~~closely with the office of waste reduction in the department of~~
16 ~~ecology.~~

17 ~~(2) The department of trade and economic development, with the~~
18 ~~assistance of the department of ecology and the committee for~~
19 ~~recycling markets created by RCW 43.31.552, shall develop programs~~
20 ~~to accomplish the following:~~

21 ~~(a) Develop new markets inside and outside this state for~~
22 ~~recycled materials;~~

1 ~~(b) Attract new businesses to this state whose purpose is to~~
2 ~~use recycled materials;~~

3 ~~(c) Educate businesses and consumers about the high quality of~~
4 ~~Washington recycled materials;~~

5 ~~(d) Promote business and consumer use of products made from~~
6 ~~recycled materials;~~

7 ~~(e) Provide technical market assistance to businesses and~~
8 ~~local governments;~~

9 ~~(f) Cooperate with and secure the cooperation of any~~
10 ~~department, agency, commission, or instrumentality in state or~~
11 ~~local government affected by or concerned with market development;~~
12 ~~and~~

13 ~~(g) Create and maintain a list of recyclers, collectors, and~~
14 ~~other persons or entities interested in the development of markets~~
15 ~~for recycling and solicit the opinions of those persons with~~
16 ~~respect to market development.))~~

17 NEW SECTION. **Sec. 211.** Section headings as used in this
18 chapter do not constitute any part of the law.

19 NEW SECTION. **Sec. 212.** A new section is added to chapter
20 70.93 RCW to read as follows:

21 There is created an account within the state treasury to be
22 known as the clean Washington account. Moneys deposited in the
23 clean Washington account shall be subject to appropriation and

1 shall be used for the administration and implementation of the
2 clean washington center established under section 204 of this act.

3 NEW SECTION. **Sec. 213.** The following acts or parts of acts
4 are each repealed:

5 (1) RCW 43.31.552 and 1989 c 431 s 100;

6 (2) RCW 43.31.554 and 1989 c 431 s 101; and

7 (3) RCW 43.31.556 and 1990 c 127 s 1 & 1989 c 431 s 102.

8 NEW SECTION. **Sec. 214.** Sections 201 through 208 of this act
9 shall constitute a new chapter in Title 70 RCW.

10 PART III

11 USED OIL RECYCLING

12 NEW SECTION. **Sec. 301.** INTENT. (1) The legislature finds
13 that:

14 (a) Millions of gallons of used oil are generated each year in
15 this state, and used oil is a valuable petroleum resource that can
16 be recycled;

17 (b) The improper collection, transportation, recycling, use,
18 or disposal of used oil contributes to the pollution of air, water,
19 and land, and endangers public health and welfare;

20 (c) The private sector is a vital resource in the collection
21 and recycling of used oil and should be involved in its collection

1 and recycling whenever practicable.

2 (2) In light of the harmful consequences of improper disposal
3 and use of used oil, and its value as a resource, the legislature
4 declares that the collection, recycling, and reuse of used oil is
5 in the public interest.

6 (3) The department, when appropriate, should promote the
7 rerefining of used oil in its grants, public education, regulatory,
8 and other programs.

9 NEW SECTION. **Sec. 302.** DEFINITIONS. Unless the context
10 clearly requires otherwise, the definitions in this section apply
11 throughout this chapter.

12 (1) "Rerefining used oil" means the reclaiming of base lube
13 stock from used oil for use again in the production of lube stock.
14 Rerefining used oil does not mean combustion or landfilling.

15 (2) "Used oil" means: (a) Lubricating fluids that have been
16 removed from an engine crankcase, transmission, gearbox, hydraulic
17 device, or differential of an automobile, bus, truck, vessel,
18 plane, heavy equipment, or machinery powered by an internal
19 combustion engine; (b) any oil that has been refined from crude
20 oil, used, and as a result of use, has been contaminated with
21 physical or chemical impurities; and (c) any oil that has been
22 refined from crude oil and, as a consequence of extended storage,
23 spillage, or contamination, is no longer useful to the original
24 purchaser.

1 (3) "Public used oil collection site" means a site where a
2 used oil collection tank has been placed for the purpose of
3 collecting household generated used oil. "Public used oil
4 collection site" also means a vehicle designed or operated to
5 collect used oil from the public.

6 (4) "Lubricating oil" means any oil designed for use in, or
7 maintenance of, a vehicle, including, but not limited to, motor
8 oil, gear oil, and hydraulic oil. "Lubricating oil" does not mean
9 petroleum hydrocarbons with a flash point below one hundred degrees
10 Centigrade.

11 (5) "Vehicle" includes every device physically capable of
12 being moved upon a public or private highway, road, street,
13 watercourse, or trail, and in, upon, or by which any person or
14 property is or may be transported or drawn upon a public or private
15 highway, road, street, watercourse, or trail, except devices moved
16 by human or animal power.

17 (6) "Department" means the department of ecology.

18 (7) "Local government" means a city or county developing a
19 local hazardous waste plan under RCW 70.105.220.

20 NEW SECTION. **Sec. 303.** PUBLIC USED OIL COLLECTION. (1) Each
21 local government and its local hazardous waste plan under RCW
22 70.105.220 is required to include a used oil recycling element.
23 This element shall include:

24 (a) A plan to reach the local goals for household used oil

1 recycling established by the local government and the department
2 under section 304 of this act. The plan shall, to the maximum
3 extent possible, incorporate voluntary agreements with the private
4 sector and state agencies to provide sites for the collection of
5 used oil. Where provided, the plan shall also incorporate
6 residential collection of used oil;

7 (b) A plan for enforcing the sign and container ordinances
8 required by section 305 of this act;

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

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

14 (2) By July 1, 1993, each local government or combination of
15 contiguous local governments shall submit its used oil recycling
16 element to the department. The department shall approve or
17 disapprove the used oil recycling element by January 1, 1994, or
18 within ninety days of submission, whichever is later. The
19 department shall approve or disapprove the used oil recycling
20 element if it determines that the element is consistent with this
21 chapter and the guidelines developed by the department under
22 section 304 of this act.

23 (3) Each local government, or combination of contiguous local
24 governments, shall submit an annual statement to the department
25 describing the number of used oil collection sites and the quantity

1 of household used oil recycled for the jurisdiction during the
2 previous calendar year. The first statement shall be due April 1,
3 1994. Subsequent statements shall be due April 1st of each year.

4 NEW SECTION. **Sec. 304.** RECYCLING GOALS. (1) By July 1,
5 1992, the department shall, in consultation with local governments,
6 prepare guidelines for the used oil recycling elements required by
7 section 303 of this act. The guidelines shall:

8 (a) Require development of local collection and rerefining
9 goals for household used oil for each entity preparing a used oil
10 recycling element under section 303 of this act;

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

15 (c) Require local government to identify locations suitable as
16 public used oil collection sites as described under section
17 303(1)(a) of this act.

18 (2) The department may waive all or part of the specific
19 requirements of section 303 of this act if a local government
20 demonstrates to the satisfaction of the department that the
21 objectives of this chapter have been met.

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

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

7 (5) By July 1, 1993, the department shall prepare guidelines
8 establishing state-wide equipment and operating standards for
9 public used oil collection sites. Standards shall:

10 (a) Allow the use of used oil collection igloos and other
11 types of portable used oil collection tanks;

12 (b) Prohibit the disposal of nonhousehold-generated used oil;

13 (c) Limit the amount of used oil deposited to five gallons per
14 household per day;

15 (d) Ensure adequate protection against leaks and spills; and

16 (e) Include other requirements deemed appropriate by the
17 department.

18 NEW SECTION. **Sec. 305.** SIGNS AND CONTAINERS. (1) A person
19 annually selling one thousand or more gallons of lubricating oil to
20 ultimate consumers for use or installation off the premises, or
21 five hundred or more vehicle oil filters to ultimate consumers for
22 use or installation off the premises within a city or county having
23 an approved used oil recycling element, shall:

24 (a) Post and maintain at or near the point of sale, durable

1 and legible signs informing the public of the importance of used
2 oil recycling and how and where used oil may be properly recycled;
3 and

4 (b) Provide for sale at or near the display location of the
5 lubricating oil or vehicle oil filters, household used oil
6 recycling containers. The department shall design and print the
7 signs required by this section, and shall make them available to
8 local governments and retail outlets.

9 (2) A person, who, after notice, violates this section is
10 guilty of a misdemeanor and on conviction is subject to a fine not
11 to exceed one thousand dollars.

12 (3) The department is responsible for notifying retailers
13 subject to this section.

14 (4) A city or county may adopt household used oil recycling
15 container standards in order to ensure compatibility with local
16 recycling programs.

17 (5) Each local government preparing a used oil recycling
18 element of a local hazardous waste plan pursuant to section 303 of
19 this act shall adopt ordinances within its jurisdiction to enforce
20 subsections (1) and (4) of this section.

21 NEW SECTION. **Sec. 306.** STATE-WIDE EDUCATION. The department
22 shall conduct a public education program to inform the public of
23 the needs for and benefits of collecting and recycling used oil in
24 order to conserve resources and protect the environment. As part

1 of this program, the department shall:

2 (1) Establish and maintain a state-wide list of public used
3 oil collection sites, and a list of all persons coordinating local
4 government used oil programs;

5 (2) Establish a state-wide media campaign describing used oil
6 recycling;

7 (3) Assist local governments in providing public education and
8 awareness programs concerning used oil by providing technical
9 assistance and education materials; and

10 (4) Encourage the establishment of voluntary used oil
11 collection and recycling programs, including public-private
12 partnerships, and provide technical assistance to persons
13 organizing such programs.

14 NEW SECTION. **Sec. 307.** DISPOSAL OF USED OIL. (1) Effective
15 January 1, 1992, the use of used oil for dust suppression or weed
16 abatement is prohibited.

17 (2) Effective July 1, 1992, no person may sell or distribute
18 absorbent based kits, intended for home use, as a means for
19 collecting, recycling, or disposing of used oil.

20 (3) Effective January 1, 1994, no person may knowingly dispose
21 of used oil except by delivery to a person collecting used oil for
22 recycling, treatment, or disposal, subject to the provisions of
23 this chapter and chapter 70.105 RCW.

24 (4) Effective January 1, 1994, no owner or operator of a solid

1 waste landfill may knowingly accept used oil for disposal in the
2 landfill.

3 (5) A person who violates this section is guilty of a
4 misdemeanor.

5 NEW SECTION. **Sec. 308.** USED OIL TRANSPORTER AND PROCESSOR
6 REQUIREMENTS. (1) By January 1, 1993, the department shall adopt
7 rules requiring any transporter of used oil to comply with minimum
8 notification, invoicing, recordkeeping, and reporting requirements.
9 For the purpose of this section, a transporter means a person
10 engaged in the off-site transportation of used oil in quantities
11 greater than twenty-five gallons per day.

12 (2) By January 1, 1993, the department shall adopt minimum
13 standards for used oil that is blended into fuels. Standards
14 shall, at a minimum, establish testing and recordkeeping
15 requirements. Unless otherwise exempted, a processor is any person
16 involved in the marketing, blending, mixing, or processing of used
17 oil to produce fuel to be burned for energy recovery.

18 (3) Any person who knowingly transports used oil without
19 meeting the requirements of this section shall be subject to civil
20 penalties under chapter 70.105 RCW.

21 NEW SECTION. **Sec. 309.** CAPTIONS NOT LAW. Section headings
22 as used in this chapter do not constitute any part of the law.

1 NEW SECTION. **Sec. 310.** SHORT TITLE. This chapter shall be
2 known and may be cited as the used oil recycling act.

3 NEW SECTION. **Sec. 311.** A new section is added to chapter
4 70.94 RCW to read as follows:

5 MARKET DEVELOPMENT--BURNING USED OIL FUEL IN LAND-BASED
6 FACILITIES. (1) Except as provided in subsection (2) of this
7 section, a person may not burn used oil as fuel in a land-based
8 facility or in state waters unless the used oil meets the following
9 standards:

- 10 (a) Cadmium: 2 ppm maximum
- 11 (b) Chromium: 10 ppm maximum
- 12 (c) Lead: 100 ppm maximum
- 13 (d) Arsenic: 5 ppm maximum
- 14 (e) Total halogens: 1000 ppm maximum
- 15 (f) Polychlorinated biphenyls: 2 ppm maximum
- 16 (g) Ash: .1 percent maximum
- 17 (h) Sulfur: 1.0 percent maximum
- 18 (i) Flash point: 100 degrees Fahrenheit minimum.

19 (2) This section shall not apply to: (a) Used oil burned in
20 space heaters if the space heater has a maximum heat output of not
21 greater than 0.5 million btu's per hour or used oil burned in
22 facilities permitted by the department or a local air pollution
23 control authority; or (b) ocean-going vessels.

24 (3) This section shall not apply to persons in the business of

1 collecting used oil from residences when under authorization by a
2 city, county, or the utilities and transportation commission.

3 NEW SECTION. **Sec. 312.** A new section is added to chapter
4 70.105 RCW to read as follows:

5 Local governments and combinations of local governments shall
6 amend their local hazardous waste plans required under RCW
7 70.105.220 to comply with section 303 of this act.

8 NEW SECTION. **Sec. 313.** The following acts or parts of acts
9 are each repealed:

- 10 (1) RCW 19.114.010 and 1983 c 137 s 1;
11 (2) RCW 19.114.020 and 1983 c 137 s 2;
12 (3) RCW 19.114.030 and 1983 c 137 s 3; and
13 (4) RCW 19.114.900 and 1983 c 137 s 5.

14 NEW SECTION. **Sec. 314.** RCW 19.114.040 is recodified as
15 a section in chapter 70.-- RCW (sections 301 through 310 of this
16 act).

17 NEW SECTION. **Sec. 315.** Sections 301 through 310 of this act
18 shall constitute a new chapter in Title 70 RCW.

19 PART IV
20 MISCELLANEOUS

1 **Sec. 401.** RCW 70.95.040 and 1987 c 115 s 1 are each amended
2 to read as follows:

3 (1) There is created a solid waste advisory committee to
4 provide consultation to the department of ecology concerning
5 matters covered by this chapter. The committee shall advise on the
6 development of programs and regulations for solid and dangerous
7 waste handling, resource recovery, and recycling, and shall supply
8 recommendations concerning methods by which existing solid and
9 dangerous waste handling, resource recovery, and recycling
10 practices and the laws authorizing them may be supplemented and
11 improved.

12 (2) The committee shall consist of at least eleven members,
13 including the assistant director for (~~the division of solid~~)
14 waste management programs within the department. The director
15 shall appoint (~~ten~~) members with due regard to the interests of
16 the public, local government, tribes, agriculture, industry, public
17 health, recycling industries, and the refuse removal and resource
18 recovery industries. (~~The director shall include among his ten~~
19 ~~appointees representatives of activities from which dangerous~~
20 ~~wastes arise and the Washington state patrol's hazardous materials~~
21 ~~technical advisory committee.)) The term of appointment shall be
22 determined by the director. The committee shall elect its own
23 (~~chairman~~) chair and meet at least four times a year, in
24 accordance with such rules of procedure as it shall establish.
25 Members shall receive no compensation for their services but shall~~

1 be reimbursed their travel expenses while engaged in business of
2 the committee in accordance with RCW 43.03.050 and 43.03.060 as now
3 existing or hereafter amended.

4 (3) The committee shall each year recommend to the governor a
5 recipient for a "governor's award of excellence" which the governor
6 shall award for outstanding achievement by an industry, company, or
7 individual in the area of hazardous waste or solid waste
8 management.

9 NEW SECTION. **Sec. 402.** A new section is added to chapter
10 82.04 RCW to read as follows:

11 (1) In computing tax there may be deducted from the measure of
12 the tax the value of reusable or recyclable materials or packaging
13 returned by the buyer to the seller when state law requires the
14 seller:

15 (a) To assess a core charge for the new materials or packaging
16 when the buyer does not return used materials or packaging at the
17 time of purchase of new materials or packaging; and

18 (b) To accept used materials or packaging for reuse or
19 recycling in exchange for new materials or packaging purchased.

20 (2) This section shall not apply to manufacturers as defined
21 in RCW 82.04.110.

22 (3) For purposes of this section, the value of the returned
23 reusable or recyclable materials and packaging, and the deduction
24 amount, is the amount charged by the seller and rebated or credited

1 to the buyer, but not including the amount of retail sales tax
2 rebated or credited, when the materials or packaging are returned.

3 NEW SECTION. **Sec. 403.** Part headings as used in this act do
4 not constitute any part of the law.

5 NEW SECTION. **Sec. 404.** If specific funding for the purposes
6 of this act, referencing this act by bill number, is not provided
7 by June 30, 1991, in the omnibus appropriations act, 201 through
8 212 of this act shall be null and void.

9 NEW SECTION. **Sec. 405.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 406.** This act is necessary for the
14 immediate preservation of the public peace, health, or safety, or
15 support of the state government and its existing public
16 institutions, and shall take effect immediately."

17 **2SSB 5591** - H COMM AMD
18 By Committee on Environmental Affairs

19 On page 1, line 1 of the title, after "recycling;" strike the
20 remainder of the title and insert "amending RCW 70.93.020,
21 70.93.030, 70.95C.120, 70.95.040; recodifying RCW 19.114.040;

1 repealing RCW 19.114.010, 19.114.020, 19.114.030, 19.114.900,
2 43.131.552, 43.131.554, and 43.31.556; adding a new section to
3 chapter 70.93 RCW; adding a new section to chapter 70.94 RCW;
4 adding a new section to chapter 70.105 RCW; adding a new section to
5 chapter 82.04 RCW; adding new chapters to Title 70 RCW; creating
6 new sections; prescribing penalties; and declaring an emergency."