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2SSB 5591 - H AMD TO REV COMM AMD (5591-2S AMH REV ANDE1) **596**
ADOPTED 4-19-91

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By Representatives Rust, Horn and D. Sommers

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On page 24, line 3 of the amendment, after "purchaser." insert
"Used oil" does not include used oil to which hazardous wastes
have been added."

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By Representative Rust

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On page 32, after line 10 of the amendment, insert

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"Sec. 313 RCW 70.95C.020 and 1990 c 114 s 2 are each amended

11

to read as follows:

12

As used in this chapter, the following terms have the meanings
indicated unless the context clearly requires otherwise.

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(1) "Department" means the department of ecology.

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(2) "Director" means the director of the department of ecology
or the director's designee.

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(3) "Dangerous waste" shall have the same definition as set
forth in RCW 70.105.010(5) and shall specifically include those
wastes designated as dangerous by rules adopted pursuant to chapter
70.105 RCW.

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(4) "EPA/state identification number" means the number
assigned by the EPA (environmental protection agency) or by the

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1 department of ecology to each generator and/or transporter and
2 treatment, storage, and/or disposal facility.

3 (5) "Extremely hazardous waste" shall have the same definition
4 as set forth in RCW 70.105.010(6) and shall specifically include
5 those wastes designated as extremely hazardous by rules adopted
6 pursuant to chapter 70.105 RCW.

7 (6) "Fee" means the annual hazardous waste fees imposed under
8 RCW 70.95E.020 and 70.95E.030.

9 (7) "Generate" means any act or process which produces
10 hazardous waste or first causes a hazardous waste to become subject
11 to regulation.

12 (8) "Hazardous substance" means any hazardous substance listed
13 as a hazardous substance as of March 21, 1990, pursuant to section
14 313 of Title III of the Superfund Amendments and Reauthorization
15 Act, any other substance determined by the director by rule to
16 present a threat to human health or the environment, and all ozone
17 depleting compounds as defined by the Montreal Protocol of October
18 1987.

19 (9) (a) "Hazardous substance use reduction" means the
20 reduction, avoidance, or elimination of the use or production of
21 hazardous substances without creating substantial new risks to
22 human health or the environment.

23 (b) "Hazardous substance use reduction" includes proportionate
24 changes in the usage of hazardous substances as the usage of a
25 hazardous substance or hazardous substances changes as a result of
26 production changes or other business changes.

1 (10) "Hazardous substance user" means any facility required to
2 report under section 313 of Title III of the Superfund Amendments
3 and Reauthorization Act, except for those facilities which only
4 distribute or use fertilizers or pesticides intended for commercial
5 agricultural applications.

6 (11) "Hazardous waste" means and includes all dangerous and
7 extremely hazardous wastes, but does not include radioactive wastes
8 or a substance composed of both radioactive and hazardous
9 components and does not include any hazardous waste generated as a
10 result of a remedial action under state or federal law.

11 (12) "Hazardous waste generator" means any person generating
12 hazardous waste regulated by the department.

13 (13) "Office" means the office of waste reduction.

14 (14) "Plan" means the plan provided for in RCW 70.95C.200.

15 (15) "Person" means an individual, trust, firm, joint stock
16 company, partnership, association, state, public or private or
17 municipal corporation, commission, political subdivision of a
18 state, interstate body, the federal government, including any
19 agency or officer thereof, and any Indian tribe or authorized
20 tribal organization.

21 (16) "Process" means all industrial, commercial, production,
22 and other processes that result in the generation of waste.

23 (17) "Recycled for beneficial use" means the use of hazardous
24 waste, either before or after reclamation, as a substitute for a
25 commercial product or raw material, but does not include: (a) Use

1 constituting disposal; (b) incineration; or (c) use as a fuel.

2 (18) "Recycling" means reusing waste materials and extracting
3 valuable materials from a waste stream. Recycling does not include
4 burning for energy recovery.

5 (19) "Treatment" means the physical, chemical, or biological
6 processing of waste to render it completely innocuous, produce a
7 recyclable by-product, reduce toxicity, or substantially reduce the
8 volume of material requiring disposal as described in the
9 priorities established in RCW 70.105.150. Treatment does not
10 include incineration.

11 (20) "Used oil" means: (a) Lubricating fluids that have been
12 removed from an engine crankcase, transmission, gearbox, hydraulic
13 device, or differential of an automobile, bus, truck, vessel,
14 plane, heavy equipment, or machinery powered by an internal
15 combustion engine; (b) any oil that has been refined from crude
16 oil, used, and as a result of use, has been contaminated with
17 physical or chemical impurities; and (c) any oil that has been
18 refined from crude oil and, as a consequence of extended storage,
19 spillage, or contamination, is no longer useful to the original
20 purchaser. "Used oil" does not include used oil to which hazardous
21 wastes have been added.

22 (21) "Waste" means any solid waste as defined under RCW
23 70.95.030, any hazardous waste, any air contaminant as defined
24 under RCW 70.94.030, and any organic or inorganic matter that shall
25 cause or tend to cause water pollution as defined under RCW

1 90.48.020.

2 ((+21+)) (22) "Waste generator" means any individual,
3 business, government agency, or any other organization that
4 generates waste.

5 ((+22+)) (23) "Waste reduction" means all in-plant practices
6 that reduce, avoid, or eliminate the generation of wastes or the
7 toxicity of wastes, prior to generation, without creating
8 substantial new risks to human health or the environment. As used
9 in RCW 70.95C.200 through 70.95C.240, "waste reduction" refers to
10 hazardous waste only.

11 **"Sec. 314** "RCW 70.95C.200 and 1990 c 114 s 6 are each amended
12 to read as follows:

13 (1) Each hazardous waste generator who generates more than two
14 thousand six hundred forty pounds of hazardous waste per year and
15 each hazardous substance user, except for those facilities that are
16 primarily permitted treatment, storage, and disposal facilities or
17 recycling facilities, shall prepare a plan for the voluntary
18 reduction of the use of hazardous substances and the generation of
19 hazardous wastes. Hazardous waste generated and recycled for
20 beneficial use, including initial amount of hazardous substances
21 introduced into a process and subsequently recycled for beneficial
22 use, shall not be used in the calculation of hazardous waste
23 generated for purposes of this section. Used oil to be rerefined
24 or burned for energy or heat recovery shall not be used in the

1 calculation of hazardous wastes generated for purposes of this
2 section, and is not required to be addressed by plans prepared
3 under this section. The department may develop reporting
4 requirements, consistent with existing reporting, to establish
5 recycling for beneficial use under this section. A person with
6 multiple interrelated facilities where the processes in the
7 facilities are substantially similar, may prepare a single plan
8 covering one or more of those facilities.

9 (2) Each user or generator required to write a plan is
10 encouraged to advise its employees of the planning process and
11 solicit comments or suggestions from its employees on hazardous
12 substance use and waste reduction options.

13 (3) The department shall adopt by April 1, 1991, rules for
14 preparation of plans. The rules shall require the plan to address
15 the following options, according to the following order of
16 priorities: Hazardous substance use reduction, waste reduction,
17 recycling, and treatment. In the planning process, first
18 consideration shall be given to hazardous substance use reduction
19 and waste reduction options. Consideration shall be given next to
20 recycling options. Recycling options may be considered only after
21 hazardous substance use reduction options and waste reduction
22 options have been thoroughly researched and shown to be
23 inappropriate. Treatment options may be considered only after
24 hazardous substance use reduction, waste reduction, and recycling
25 options have been thoroughly researched and shown to be

1 inappropriate. Documentation of the research shall be available to
2 the department upon request. The rules shall also require the
3 plans to discuss the hazardous substance use reduction, waste
4 reduction, and closed loop recycling options separately from other
5 recycling and treatment options. All plans shall be written in
6 conformance with the format prescribed in the rules adopted under
7 this section. The rules shall require the plans to include, but
8 not be limited to:

9 (a) A written policy articulating management and corporate
10 support for the plan and a commitment to implementing planned
11 activities and achieving established goals;

12 (b) The plan scope and objectives;

13 (c) Analysis of current hazardous substance use and hazardous
14 waste generation, and a description of current hazardous substance
15 use reduction, waste reduction, recycling, and treatment
16 activities;

17 (d) An identification of further hazardous substance use
18 reduction, waste reduction, recycling, and treatment opportunities,
19 and an analysis of the amount of hazardous substance use reduction
20 and waste reduction that would be achieved, and the costs. The
21 analysis of options shall demonstrate that the priorities provided
22 for in this section have been followed;

23 (e) A selection of options to be implemented in accordance
24 with the priorities established in this section;

25 (f) An analysis of impediments to implementing the options.

1 Impediments that shall be considered acceptable include, but are
2 not limited to: Adverse impacts on product quality, legal or
3 contractual obligations, economic practicality, and technical
4 feasibility;

5 (g) A written policy stating that in implementing the selected
6 options, whenever technically and economically practicable, risks
7 will not be shifted from one part of a process, environmental
8 media, or product to another;

9 (h) Specific performance goals in each of the following
10 categories, expressed in numeric terms:

11 (i) Hazardous substances to be reduced or eliminated from use;

12 (ii) Wastes to be reduced or eliminated through waste
13 reduction techniques;

14 (iii) Materials or wastes to be recycled; and

15 (iv) Wastes to be treated;

16 If the establishment of numeric performance goals is not
17 practicable, the performance goals shall include a clearly stated
18 list of objectives designed to lead to the establishment of numeric
19 goals as soon as is practicable. Goals shall be set for a five-
20 year period from the first reporting date;

21 (i) A description of how the wastes that are not recycled or
22 treated and the residues from recycling and treatment processes are
23 managed may be included in the plan;

24 (j) Hazardous substance use and hazardous waste accounting
25 systems that identify hazardous substance use and waste management

1 costs and factor in liability, compliance, and oversight costs;

2 (k) A financial description of the plan;

3 (l) Personnel training and employee involvement programs;

4 (m) A five-year plan implementation schedule;

5 (n) Documentation of hazardous substance use reduction and
6 waste reduction efforts completed before or in progress at the time
7 of the first reporting date; and

8 (o) An executive summary of the plan, which shall include, but
9 not be limited to:

10 (i) The information required by (c), (e), (h), and (n) of this
11 subsection; and

12 (ii) A summary of the information required by (d) and (f) of
13 this subsection.

14 (4) Upon completion of a plan, the owner, chief executive
15 officer, or other person with the authority to commit management to
16 the plan shall sign and submit an executive summary of the plan to
17 the department.

18 (5) Plans shall be completed and executive summaries submitted
19 in accordance with the following schedule:

20 (a) Hazardous waste generators who generated more than fifty
21 thousand pounds of hazardous waste in calendar year 1991 and
22 hazardous substance users who were required to report in 1991, by
23 September 1, 1992;

24 (b) Hazardous waste generators who generated between seven
25 thousand and fifty thousand pounds of hazardous waste in calendar

1 year 1992 and hazardous substance users who were required to report
2 for the first time in 1992, by September 1, 1993;

3 (c) Hazardous waste generators who generated between two
4 thousand six hundred forty and seven thousand pounds of hazardous
5 waste in 1993 and hazardous substance users who were required to
6 report for the first time in 1993, by September 1, 1994;

7 (d) Hazardous waste generators who have not been required to
8 complete a plan on or prior to September 1, 1994, must complete a
9 plan by September 1 of the year following the first year that they
10 generate more than two thousand six hundred forty pounds of
11 hazardous waste; and

12 (e) Hazardous substance users who have not been required to
13 complete a plan on or prior to September 1, 1994, must complete a
14 plan by September 1 of the year following the first year that they
15 are required to report under section 313 of Title III of the
16 Superfund Amendments and Reauthorization Act.

17 (6) Annual progress reports, including a description of the
18 progress made toward achieving the specific performance goals
19 established in the plan, shall be prepared and submitted to the
20 department in accordance with rules developed under this section.
21 Upon the request of two or more users or generators belonging to
22 similar industrial classifications, the department may aggregate
23 data contained in their annual progress reports for the purpose of
24 developing a public record.

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1 (7) Every five years, each plan shall be updated, and a new
2 executive summary shall be submitted to the department."

3 Renumber the remaining sections consecutively and correct
4 internal references accordingly.

EFFECT: Deletes used oil from hazardous waste reduction
planning requirements if properly used and no hazardous wastes
have been added to the oil.

2SSB 5591 - H AMD TO ENA COMM AMD (5591-2S AMH REV ANDE1)
By Representative Rust

On page 36, line 5 of the amendment, after "70.93.030," strike
"70.95C.120" and insert "70.95C.020, 70.95C.120, 70.95C.200"

EFFECT: Title Amendment