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ENGROSSED SUBSTITUTE HOUSE BILL 1459

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State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, Rust, Valle, G. Fisher, Pruitt, Basich, R. Johnson, Jacobsen, Braddock, Phillips, Scott, Cooper, D. Sommers, Roland, Nelson, Spanel, Brekke and Wineberry).  
Read first time March 6, 1991.

1 AN ACT Relating to recycling; amending RCW 70.93.020, 70.93.030,  
2 70.95C.120, and 70.95.040; adding a new section to chapter 70.93 RCW;  
3 adding a new section to chapter 70.94 RCW; adding a new section to  
4 chapter 70.105 RCW; adding new chapters to Title 70 RCW; creating new  
5 sections; recodifying RCW 19.114.040; repealing RCW 43.31.545,  
6 43.31.552, 43.31.554, 43.31.556, 19.114.010, 19.114.020, 19.114.030,  
7 and 19.114.900; prescribing penalties; and declaring an emergency.

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

9 PART I

10 PACKAGING

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

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

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

6 (2) Recover and recycle waste materials related to litter and  
7 littering;

8 (3) Foster private recycling and markets for recyclable materials;  
9 and

10 (4) Increase public awareness of the need for recycling and litter  
11 control. It is further the intent and purpose of this chapter to  
12 create jobs for employment of youth in litter cleanup and related  
13 activities and to stimulate and encourage small, private recycling  
14 centers. This program shall include the compatible goal of recovery of  
15 recyclable materials to conserve energy and natural resources wherever  
16 practicable. Every other department of state government and all local  
17 governmental units and agencies of this state shall cooperate with the  
18 department of ecology in the administration and enforcement of this  
19 chapter. The intent of this chapter is to add to and to coordinate  
20 existing recycling and litter control and removal efforts and not  
21 terminate or supplant such efforts.

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

24 As used in this chapter unless the context indicates otherwise:

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

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

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

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

5 (5) "Litter bag" means a bag, sack, or other container made of any  
6 material which is large enough to serve as a receptacle for litter  
7 inside the vehicle or watercraft of any person. It is not necessarily  
8 limited to the state approved litter bag but must be similar in size  
9 and capacity;

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

14 (7) "Person" means any political subdivision, government agency,  
15 municipality, industry, public or private corporation, copartnership,  
16 association, firm, individual, or other entity whatsoever;

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

22 (9) "Recycling center" means a central collection point for  
23 recyclable materials;

24 (10) "Vehicle" includes every device capable of being moved upon a  
25 public highway and in, upon, or by which any persons or property is or  
26 may be transported or drawn upon a public highway, excepting devices  
27 moved by human or animal power or used exclusively upon stationary  
28 rails or tracks;

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

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

3 NEW SECTION. **Sec. 103.** Unless the context clearly requires  
4 otherwise, the definitions in this section apply throughout this  
5 chapter.

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

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

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

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

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

18 (6) "Plastic bottle" means a plastic container intended for single  
19 use that has a neck that is smaller than the body of the container,  
20 accepts a screw-type, snap cap, or other closure and has a capacity of  
21 sixteen fluid ounces or more, but less than five gallons.

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

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

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

- 15 (a) 1. = PETE (polyethylene terephthalate)
- 16 (b) 2. = HDPE (high density polyethylene)
- 17 (c) 3. = V (vinyl)
- 18 (d) 4. = LDPE (low density polyethylene)
- 19 (e) 5. = PP (polypropylene)
- 20 (f) 6. = PS (polystyrene)
- 21 (g) 7. = OTHER

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

27 (2) Distributors shall have two years from the effective date of  
28 this section to clear current inventory, delivered or received and held  
29 in their possession as of the effective date of this section.

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

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

4        (2) Packaging comprises a significant percentage of the overall  
5 solid waste stream;

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

10       (4) Lead, mercury, cadmium, and hexavalent chromium, on the basis  
11 of available scientific and medical evidence, are of particular  
12 concern;

13       (5) It is desirable as a first step in reducing the toxicity of  
14 packaging waste to eliminate the addition of these heavy metals to  
15 packaging; and

16       (6) The intent of this chapter is to achieve this reduction in  
17 toxicity without impeding or discouraging the expanded use of  
18 postconsumer materials in the production of packaging and its  
19 components.

20       NEW SECTION.    **Sec. 107.**    Unless the context clearly requires  
21 otherwise, the definitions in this section apply throughout this  
22 chapter.

23       (1) "Package" means a container providing a means of marketing,  
24 protecting, or handling a product and shall include a unit package, an  
25 intermediate package, and a shipping container. "Package" also means  
26 and includes unsealed receptacles such as carrying cases, crates, cups,  
27 pails, rigid foil and other trays, wrappers and wrapping films, bags,  
28 and tubs.

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

3 (3) "Packaging component" means an individual assembled part of a  
4 package such as, but not limited to, any interior or exterior blocking,  
5 bracing, cushioning, weatherproofing, exterior strapping, coatings,  
6 closures, inks, and labels.

7 NEW SECTION. **Sec. 108.** (1) By July 1, 1993, no package or  
8 packaging component may be offered for sale or for promotional purposes  
9 by its manufacturer or distributor in the state of Washington, that  
10 includes, in the package itself or in any packaging component, inks,  
11 dyes, pigments, adhesives, stabilizers, or any other additives,  
12 containing lead, cadmium, mercury, or hexavalent chromium in excess of  
13 the amounts allowed under subsection (3) of this section.

14 (2) By July 1, 1993, no product may be offered for sale or for  
15 promotional purposes by its manufacturer or distributor in the state of  
16 Washington in a package that includes, in the package itself or in any  
17 of its packaging components, inks, dyes, pigments, adhesives,  
18 stabilizers, or any other additives, containing any lead, cadmium,  
19 mercury, or hexavalent chromium in excess of the amount allowed under  
20 subsection (3) of this section.

21 (3) The sum of the concentration levels of lead, cadmium, mercury,  
22 and hexavalent chromium present in any product, package, or packaging  
23 component shall not exceed the following:

24 (a) 600 parts per million by weight effective two years after the  
25 effective date of this section;

26 (b) 250 parts per million by weight effective three years after the  
27 effective date of this section; and

28 (c) 100 parts per million by weight effective four years after the  
29 effective date of this section.

1 This subsection shall apply to lead, cadmium, mercury, and  
2 hexavalent chromium that has been intentionally introduced as an  
3 element during manufacturing or distribution as opposed to the  
4 incidental presence of any of these elements.

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

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

10 (2) Those packages or packaging components that have been purchased  
11 by, delivered to, or are possessed by a retailer on or before twenty-  
12 four months following the effective date of this section to permit  
13 opportunity to clear existing inventory of the proscribed packaging  
14 material;

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

20 (4) Those packages and packaging components that would not exceed  
21 the maximum contaminant levels set forth in section 108(3) of this act  
22 but for the addition of postconsumer materials; and provided that the  
23 exemption for this subsection shall expire six years after the  
24 effective date of this section.

25 NEW SECTION. **Sec. 110.** By July 1, 1993, a certificate of  
26 compliance stating that a package or packaging component is in  
27 compliance with the requirements of this chapter shall be developed by  
28 its manufacturer, provided, however, where compliance is achieved under



1 the exemption or exemptions provided in section 109 (3) or (4) of this  
2 act, the certificate shall state the specific basis upon which the  
3 exemption is claimed. The certificate of compliance shall be signed by  
4 an authorized official of the manufacturing company. The certificate  
5 of compliance shall be kept on file by the manufacturer for as long as  
6 the package or packaging component is in use, and for three years from  
7 the date of the last sale or distribution by the manufacturer.  
8 Certificates of compliance, or copies thereof, shall be furnished to  
9 the department of ecology upon request within sixty days. If  
10 manufacturers are required under any other state statute to provide a  
11 certificate of compliance, one certificate may be developed containing  
12 all required information.

13 If the manufacturer or supplier of the package or packaging  
14 component reformulates or creates a new package or packaging component,  
15 the manufacturer shall develop an amended or new certificate of  
16 compliance for the reformulated or new package or packaging component.

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

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

20 (2) Made specific as to package or packaging component information  
21 requested; and

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

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

1        NEW SECTION.    **Sec. 113.** By July 1, 1995, the solid waste advisory  
2 committee created under chapter 70.95 RCW shall report to the  
3 appropriate standing committees of the legislature on the effectiveness  
4 of reducing toxic metals from packaging. The report shall contain  
5 recommendations to add other toxic substances contained in packaging to  
6 the list set forth in this chapter, including but not limited to  
7 mutagens, carcinogens, and teratogens, in order to further reduce the  
8 toxicity of packaging waste, and shall contain a recommendation  
9 regarding imposition of penalty for violation of section 108 of this  
10 act, and a recommendation whether or not to continue the recycling  
11 exemption as it is provided for in section 109 of this act.

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

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

21        For the purpose of granting awards, the office may group schools  
22 into not more than three classes, based upon student population,  
23 distance to markets for recyclable materials, and other criteria, as  
24 deemed appropriate by the office. Except as otherwise provided, five  
25 or more awards shall be granted to each of the three classes. Each  
26 award shall be a sum of not less than two thousand dollars nor more  
27 than five thousand dollars. Awards shall be granted each year to the  
28 schools that achieve the greatest levels of waste reduction and  
29 recycling. ((Each)) A single award ((shall be of a sum)) of not less

1 than ~~((ten))~~ five thousand dollars shall be presented to the school  
2 having the best recycling program as determined by the office. A  
3 single award of not less than five thousand dollars shall be presented  
4 to the school having the best waste reduction program as determined by  
5 the office. ((The office shall also develop recommendations for an  
6 awards program for waste reduction in the public schools. The office  
7 shall submit these recommendations to the appropriate standing  
8 committees in the house of representatives and senate on or before  
9 November 30, 1989.))

10 The superintendent of public instruction shall distribute  
11 guidelines and other materials developed by the office to implement  
12 programs to reduce and recycle waste generated in administrative  
13 offices, classrooms, laboratories, cafeterias, and maintenance  
14 operations.

15 NEW SECTION. Sec. 115. There is established the task force on  
16 recycling funding. The task force shall consist of fourteen members as  
17 follows: (1) Two members of the house of representatives appointed by  
18 the speaker of the house of representatives with one member from each  
19 of the two caucuses of the house of representatives; (2) two members of  
20 the senate appointed by the president of the senate with one member  
21 from each of the two caucuses of the senate; (3) six members appointed  
22 by the speaker of the house of representatives and the president of the  
23 senate with one each representing manufacturers, wholesalers,  
24 retailers, cities, counties, and an environmental organization; and (4)  
25 three members representing the departments of ecology, trade and  
26 economic development, and revenue appointed by their respective  
27 directors.

28 The task force shall study long-term funding mechanisms for  
29 recycling systems, comprehensive waste reduction, and diversion from

1 landfill and mass burn incineration. The task force shall report its  
2 findings and recommended legislation to the appropriate standing  
3 committees of the legislature no later than December 1, 1991.

4 The department of ecology shall provide administrative and staff  
5 support to the task force. Members of the task force shall be  
6 compensated in accordance with RCW 43.03.220. Nonlegislative members  
7 shall receive subsistence and mileage in accordance with RCW 43.03.050  
8 and 43.03.060. Legislative members shall receive allowances in  
9 accordance with RCW 44.04.120.

10 This section shall expire January 1, 1992.

11 NEW SECTION. **Sec. 116.** Sections 103 through 113 of this act shall  
12 constitute a new chapter in Title 70 RCW.

13 PART II

14 CLEAN WASHINGTON CENTER

15 NEW SECTION. **Sec. 201.** FINDINGS--POLICY. (1) The legislature  
16 finds that:

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

20 (b) Most of the citizens of the state actively participate in  
21 recycling programs and Washington currently has the highest recycling  
22 rate in the nation;

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

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

4 (2) It is therefore the policy of the state to create an entity,  
5 within the department of trade and economic development to be known as  
6 the "clean Washington center" for the purpose of assisting businesses  
7 to develop new and expanded markets for recyclable commodities.

8 NEW SECTION. **Sec. 202.** DEFINITIONS. Unless the context clearly  
9 requires otherwise, the definitions in this section apply throughout  
10 this chapter.

11 (1) "Center" means the clean Washington center.

12 (2) "End user" means a commercial or industrial entity that  
13 manufactures products.

14 (3) "Work plan" means the annual plan developed by the center.

15 (4) "Market development" means expanding the use of postconsumer  
16 recyclable materials by commercial and industrial entities for the  
17 manufacture of new, finished products.

18 NEW SECTION. **Sec. 203.** The purpose of the center is to provide or  
19 facilitate basic and applied research and development, marketing  
20 assistance, public education, and policy analysis in furthering the  
21 development of markets for recycled products. As used in this chapter,  
22 market development consists of public and private activities that are  
23 used to overcome impediments preventing full use of secondary materials  
24 diverted from the waste stream, and that encourage and expand use of  
25 those materials and subsequent products. In fulfilling this mission  
26 the center shall primarily direct its services to recycling businesses,  
27 which as used in this chapter mean those businesses engaged in  
28 transforming or remanufacturing waste materials into usable or

1 marketable materials or products for use other than landfill disposal  
2 or incineration.

3 NEW SECTION. **Sec. 204.** MEMBERSHIP. (1) There is established the  
4 clean Washington center within the department of trade and economic  
5 development to consist of eleven members. Except as otherwise provided,  
6 members shall be appointed by the director of the department of trade  
7 and economic development as follows:

8 (a) Two members to represent the legislature, one member appointed  
9 by the speaker of the house of representatives and one member appointed  
10 by the president of the senate;

11 (b) Two members to represent local government;

12 (c) Six private sector members to represent the end users and  
13 marketers of postconsumer recovered materials;

14 (d) The directors of the departments of trade and economic  
15 development and ecology shall represent the executive branch as ex  
16 officio members.

17 (2) Members representing the legislature and local government shall  
18 serve two-year renewable terms; members representing the private sector  
19 shall serve three-year renewable terms. Vacancies shall be filled by  
20 the chair with majority consent from the members.

21 (3) Members, exclusive of those representing the legislative or  
22 executive branches, shall be reimbursed for travel expenses as provided  
23 in RCW 43.03.050 and 43.03.060.

24 (4) The chair shall be selected from among the members by a simple  
25 majority vote.

26 NEW SECTION. **Sec. 205.** POWERS. In order to carry out its  
27 responsibilities under this chapter, the center may:

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

5 (2) Obtain and disseminate information relating to market  
6 development for recyclable materials from other state and local  
7 agencies;

8 (3) Enter into, amend, and terminate contracts with individuals,  
9 corporations, or research institutions for the purposes of this  
10 chapter;

11 (4) Provide grants to local governments and nonprofit  
12 organizations;

13 (5) Evaluate, analyze, and make recommendations on state policies  
14 that may affect markets for recyclable materials; and

15 (6) Adopt and exercise bylaws for the regulation of its business  
16 for the purposes of this chapter.

17 NEW SECTION. **Sec. 206.** DUTIES. The center shall:

18 (1) Develop an annual work plan. The plan shall describe actions  
19 and recommendations for developing markets for commodities comprising  
20 a significant percentage of the waste stream and having potential for  
21 use as an industrial or commercial feedstock. The plan shall specify  
22 amounts, types, sources, and end uses of recycled material targeted for  
23 remanufacture, and shall show the budgeted expenses associated with  
24 each commodity. The initial plan shall, at a minimum, address mixed  
25 waste paper, yard and food waste, and plastics. The center shall  
26 submit its annual work plan to the legislature by December 1st of each  
27 year;

28 (2) Provide business and marketing assistance, as requested, to  
29 private sector entities within the state;

1 (3) Conduct appropriate public hearings and otherwise seek to  
2 broadly disseminate information concerning market development for  
3 recyclable materials;

4 (4) Represent the state in market development issues; and

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

9 NEW SECTION. **Sec. 207.** ADVISORY COMMITTEES. The members of the  
10 clean Washington center may appoint advisory committees to assist in  
11 the development or implementation of the work plan.

12 NEW SECTION. **Sec. 208.** CAPTIONS NOT LAW. Section headings as  
13 used in this chapter do not constitute any part of the law.

14 NEW SECTION. **Sec. 209.** A new section is added to chapter 70.93  
15 RCW to read as follows:

16 There is created an account within the state treasury to be known  
17 as the clean Washington account. Moneys deposited in the clean  
18 Washington account shall be subject to appropriation and shall be used  
19 for the administration and implementation of the clean Washington  
20 center established under section 204 of this act.

21 NEW SECTION. **Sec. 210.** The following acts or parts of acts are  
22 each repealed:

23 (1) RCW 43.31.545 and 1989 c 431 s 64;

24 (2) RCW 43.31.552 and 1989 c 431 s 100;

25 (3) RCW 43.31.554 and 1989 c 431 s 101; and

26 (4) RCW 43.31.556 and 1990 c 127 s 1 & 1989 c 431 s 102.





1 (2) "Used oil" means: (a) Lubricating fluids that have been  
2 removed from an engine crankcase, transmission, gearbox, hydraulic  
3 device, or differential of an automobile, bus, truck, vessel, plane,  
4 heavy equipment, or machinery powered by an internal combustion engine;  
5 (b) any oil that has been refined from crude oil, used, and as a result  
6 of use, has been contaminated with physical or chemical impurities; and  
7 (c) any oil that has been refined from crude oil and, as a consequence  
8 of extended storage, spillage, or contamination, is no longer useful to  
9 the original purchaser.

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

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

18 (5) "Vehicle" includes every device physically capable of being  
19 moved upon a public or private highway, road, street, watercourse, or  
20 trail, and in, upon, or by which any person or property is or may be  
21 transported or drawn upon a public or private highway, road, street,  
22 watercourse, or trail, except devices moved by human or animal power.

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

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

26 NEW SECTION. **Sec. 303.** PUBLIC USED OIL COLLECTION. (1) Each  
27 local government and its local hazardous waste plan under RCW  
28 70.105.220 is required to include a used oil recycling element. This  
29 element shall include:

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

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

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

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

15 (2) By July 1, 1993, each local government or combination of  
16 contiguous local governments shall submit its used oil recycling  
17 element to the department. The department shall approve or disapprove  
18 the used oil recycling element by January 1, 1994, or within ninety  
19 days of submission, whichever is later. The department shall approve  
20 or disapprove the used oil recycling element if it determines that the  
21 element is consistent with this chapter and the guidelines developed by  
22 the department under 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 of  
26 household used oil recycled for the jurisdiction during the previous  
27 calendar year. The first statement shall be due April 1, 1994.  
28 Subsequent statements shall be due April 1st of each year.

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

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

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

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

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

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

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

28        (5) By July 1, 1993, the department shall prepare guidelines  
29 establishing state-wide equipment and operating standards for public  
30 used oil collection sites.    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. 305.** SIGNS AND CONTAINERS. (1) A person  
10 annually selling one thousand or more gallons of lubricating oil to  
11 ultimate consumers for use or installation off the premises, or five  
12 hundred or more vehicle oil filters to ultimate consumers for use or  
13 installation off the premises within a city or county having an  
14 approved used oil recycling element, shall:

15 (a) Post and maintain at or near the point of sale, durable and  
16 legible signs informing the public of the importance of used oil  
17 recycling and how and where used oil may be properly recycled; and

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

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

26 (3) The department is responsible for notifying retailers subject  
27 to this section.

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

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

8 NEW SECTION. **Sec. 306.** STATE-WIDE EDUCATION. The department  
9 shall conduct a public education program to inform the public of the  
10 needs for and benefits of collecting and recycling used oil in order to  
11 conserve resources and protect the environment. As part of this  
12 program, the department shall:

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

16 (2) Establish a state-wide media campaign describing used oil  
17 recycling;

18 (3) Assist local governments in providing public education and  
19 awareness programs concerning used oil by providing technical  
20 assistance and education materials; and

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

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

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

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

8 (4) Effective January 1, 1994, no owner or operator of a solid  
9 waste landfill may knowingly accept used oil for disposal in the  
10 landfill.

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

12 NEW SECTION. **Sec. 308.** USED OIL TRANSPORTER AND PROCESSOR  
13 REQUIREMENTS. (1) By January 1, 1993, the department shall adopt rules  
14 requiring any transporter of used oil to comply with minimum notifi-  
15 cation, invoicing, recordkeeping, and reporting requirements. For the  
16 purpose of this section, a transporter means a person engaged in the  
17 off-site transportation of used oil in quantities greater than twenty-  
18 five gallons per day.

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

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

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

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

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

7        MARKET DEVELOPMENT--BURNING USED OIL FUEL IN LAND-BASED FACILITIES.

8        (1) Except as provided in subsection (2) of this section, a person may  
9 not burn used oil as fuel in a land-based facility or in state waters  
10 unless the used oil meets the following standards:

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

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

25        (3) This section shall not apply to persons in the business of  
26 collecting used oil from residences when under authorization by a city,  
27 county, or the utilities and transportation commission.



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

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

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

8 (1) RCW 109.114.010 and 1983 c 137 s 1;

9 (2) RCW 19.114.020 and 1983 c 137 s 2;

10 (3) RCW 19.114.030 and 1983 c 137 s 3; and

11 (4) RCW 19.114.900 and 1983 c 137 s 5.

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

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

16 PART IV  
17 MISCELLANEOUS

18 NEW SECTION. **Sec. 401.** Part headings as used in this act do not  
19 constitute any part of the law.

20 **Sec. 402.** RCW 70.95.040 and 1987 c 115 s 1 are each amended to  
21 read as follows:

22 (1) There is created a solid waste advisory committee to provide  
23 consultation to the department of ecology concerning matters covered by  
24 this chapter. The committee shall advise on the development of

1 programs and regulations for solid and dangerous waste handling,  
2 resource recovery, and recycling, and shall supply recommendations  
3 concerning methods by which existing solid and dangerous waste  
4 handling, resource recovery, and recycling practices and the laws  
5 authorizing them may be supplemented and improved.

6 (2) The committee shall consist of at least eleven members,  
7 including the assistant director for (~~the division of solid~~) waste  
8 management programs within the department. The director shall appoint  
9 (~~ten~~) members with due regard to the interests of the public, local  
10 government, tribes, agriculture, industry, public health, recycling  
11 industries, and the refuse removal and resource recovery industries.  
12 (~~The director shall include among his ten appointees representatives~~  
13 ~~of activities from which dangerous wastes arise and the Washington~~  
14 ~~state patrol's hazardous materials technical advisory committee.~~) The  
15 term of appointment shall be determined by the director. The committee  
16 shall elect its own (~~chairman~~) chair and meet at least four times a  
17 year, in accordance with such rules of procedure as it shall establish.  
18 Members shall receive no compensation for their services but shall be  
19 reimbursed their travel expenses while engaged in business of the  
20 committee in accordance with RCW 43.03.050 and 43.03.060 as now  
21 existing or hereafter amended.

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

26 NEW SECTION. Sec. 403. If specific funding for the purposes of  
27 this act, referencing this act by bill number, is not provided by June  
28 30, 1991, in the omnibus appropriations act, this act shall be null and  
29 void.

1        NEW SECTION.    **Sec. 404.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 405.**    This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and shall take  
8 effect immediately.