

2 **2ESSB 6009** - H COMM AMD
3 By Committee on Revenue

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 70.95.020 and 1985 c 345 s 2 are each amended to read
8 as follows:

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

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

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

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

21 (4) To provide technical and financial assistance to local
22 governments in the planning, development, and conduct of solid waste
23 handling programs;

24 (5) To encourage (~~(storage,)~~) proper disposal(~~(,)~~) and recycling of
25 discarded vehicle tires and to stimulate private recycling programs
26 throughout the state.

27 It is the intent of the legislature that local governments be
28 encouraged to use the expertise of private industry and to contract
29 with private industry to the fullest extent possible to carry out solid
30 waste recovery and/or recycling programs.

31 **Sec. 2.** RCW 70.95.260 and 1989 c 431 s 9 are each amended to read
32 as follows:

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

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

4 (2) Coordinate the development of a solid waste management plan for
5 all areas of the state in cooperation with local government, the
6 department of community, trade, and economic development, and other
7 appropriate state and regional agencies. The plan shall relate to
8 solid waste management for twenty years in the future and shall be
9 reviewed biennially, revised as necessary, and extended so that
10 perpetually the plan shall look to the future for twenty years as a
11 guide in carrying out a state coordinated solid waste management
12 program. The plan shall be developed into a single integrated document
13 and shall be adopted no later than October 1990. The plan shall be
14 revised regularly after its initial completion so that local
15 governments revising local comprehensive solid waste management plans
16 can take advantage of the data and analysis in the state plan.

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

19 (4) Initiate, conduct, and support research, demonstration
20 projects, and investigations, and coordinate research programs
21 pertaining to solid waste management systems.

22 (5) Develop state-wide programs to increase public awareness of and
23 participation in tire recycling, and to stimulate and encourage local
24 private (~~((tire recycling centers))~~) and public participation in tire
25 recycling.

26 (6) May, under the provisions of the Administrative Procedure Act,
27 chapter 34.05 RCW, as now or hereafter amended, from time to time
28 promulgate such rules and regulations as are necessary to carry out the
29 purposes of this chapter.

30 **Sec. 3.** RCW 70.95.500 and 1985 c 345 s 4 are each amended to read
31 as follows:

32 (1) No person may drop, deposit, discard, or otherwise dispose of
33 vehicle tires on any public property or private property in this state
34 or in the waters of this state whether from a vehicle or otherwise,
35 including, but not limited to, any public highway, public park, beach,
36 campground, forest land, recreational area, trailer park, highway,
37 road, street, or alley unless:

1 (a) The property is designated by the state, or by any of its
2 agencies or political subdivisions, for the disposal of discarded
3 vehicle tires; and

4 (b) The person is authorized to use the property for such purpose.

5 (2) A violation of this section is punishable as a gross
6 misdemeanor or by a civil penalty~~((, which shall))~~ or both. The civil
7 penalty may not be less than two hundred dollars nor more than two
8 thousand dollars for each offense.

9 (3) The responsibility for cleanup of tire piles is the landowner's
10 and any person in violation of RCW 70.95.550 through 70.95.565, who
11 arranged for transport or transported the tires to the pile.

12 (4) This section does not apply to ~~((the storage or deposit of))~~
13 vehicle tires in quantities deemed exempt under rules adopted by the
14 department of ecology under its functional standards for solid waste.

15 **Sec. 4.** RCW 70.95.510 and 1989 c 431 s 92 are each amended to read
16 as follows:

17 There is levied a one dollar per tire fee on the retail sale of new
18 replacement vehicle tires for a period ~~((of five years,))~~ beginning
19 ~~((October 1, 1989))~~ January 1, 1995, and ending December 1, 1996. The
20 fee imposed in this section shall be paid by the buyer to the seller,
21 and each seller shall collect from the buyer the full amount of the
22 fee. The fee collected from the buyer by the seller less the ten
23 percent amount retained by the seller as provided in RCW 70.95.535
24 shall be paid to the department of revenue in accordance with RCW
25 82.32.045. All other applicable provisions of chapter 82.32 RCW have
26 full force and application with respect to the fee imposed under this
27 section. The department of revenue shall administer this section.

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

31 **Sec. 5.** RCW 70.95.535 and 1989 c 431 s 93 are each amended to read
32 as follows:

33 (1) Every person engaged in making retail sales of new replacement
34 vehicle tires in this state shall retain ten percent of the collected
35 one dollar fee. The moneys retained may be used for costs associated
36 with the proper management of the waste vehicle tires by the retailer.

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

3 (a) Contracts and grants for cleanup of tire piles that pose a
4 threat to public health or safety;

5 (b) Making grants to local governments for ((pilot)) demonstration
6 projects for ((on-site shredding and recycling of)) a variety of
7 applications that use tires from ((unauthorized dump sites)) this
8 state;

9 ((b)) (c) Grants to local government for enforcement programs;

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

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

15 **Sec. 6.** RCW 70.95.550 and 1988 c 250 s 3 are each amended to read
16 as follows:

17 Unless the context clearly requires otherwise, the definitions in
18 this section apply throughout RCW 70.95.555 through 70.95.565.

19 (1) "Processor" means a person permitted and authorized by the
20 county to alter a tire and make it unusable for its original purpose.

21 (2) "Recycling" has the same meaning as in RCW 70.95.030(16).

22 (3) "Pyrolysis" means any process in which waste tires are heated
23 in an enclosed device in the absence of oxygen and produces a fuel
24 capable of being burned for energy recovery.

25 (4) "Storage" or "storing" means the placing of ((more than eight
26 hundred waste tires in a manner that does not constitute final disposal
27 of the)) waste tires in a location, whether intended to be temporary or
28 final disposal.

29 ((2)) (5) "Transportation" or "transporting" means picking up or
30 transporting waste tires for the purpose of storage or final disposal
31 but does not include tire wholesalers, retailers, or retread facilities
32 picking up or delivering tires in the normal course of business.

33 ((3)) (6) "Waste tires" means tires that are no longer suitable
34 for their original intended purpose because of wear, damage, or defect.

35 **Sec. 7.** RCW 70.95.555 and 1988 c 250 s 4 are each amended to read
36 as follows:

1 Any person (~~engaged in the business of~~) transporting (~~or~~
2 ~~storing~~) waste tires shall (~~be licensed by the department~~) obtain a
3 license annually from the department and shall obtain an identification
4 sticker for each motorized vehicle. The sticker shall be located on
5 the driver's door in a manner that is clearly visible. To obtain a
6 license, each applicant must:

7 (1) Provide assurances that the applicant is in compliance with
8 this chapter and the rules regarding waste tire storage and
9 transportation; (~~and~~)

10 (2) Submit annual tire management plans as defined in rule by the
11 department; and

12 (3) Post a permit bond in the sum of ten thousand dollars in favor
13 of the state of Washington. In lieu of the bond, the applicant may
14 submit financial assurances acceptable to the department.

15 This section does not apply to persons transporting waste tires
16 under the authority of the Washington utilities and transportation
17 commission.

18 **Sec. 8.** RCW 70.95.560 and 1989 c 431 s 95 are each amended to read
19 as follows:

20 Any person who transports or stores waste tires without a license
21 in violation of RCW 70.95.555 shall be guilty of a gross misdemeanor
22 (~~and~~) or a civil penalty, or both. Upon conviction of a gross
23 misdemeanor, the person shall be punished under RCW 9A.20.021(2).

24 **Sec. 9.** RCW 70.95.565 and 1988 c 250 s 6 are each amended to read
25 as follows:

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

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

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

31 A person who utilizes unlicensed waste tire transporters or
32 contracts with an unlicensed owner or operator of a waste tire storage
33 site is in violation of this section. Such person shall receive a
34 written warning on the first offense, and is punishable by a civil
35 penalty of one thousand dollars for each subsequent offense. This
36 penalty will not apply to persons who exercise due care to ensure that
37 a transporter receiving waste tires is regulated by the Washington

1 utilities and transportation commission or licensed by the department
2 to do so. Persons contracting for transportation or storage of waste
3 tires are required to keep documentation that the transporter's
4 utilities and transportation permit, department license, or other
5 identification of compliance was checked. Monetary penalties for
6 violation of this section collected by the court shall be distributed
7 to the local governmental entity enforcing the provisions of this
8 section.

9 NEW SECTION. Sec. 10. A new section is added to chapter 70.95 RCW
10 to read as follows:

11 (1) Except as provided in subsection (2) of this section, the
12 department shall require all processors to post a bond or other form of
13 financial insurance in an amount sufficient to cover all cleanup
14 liabilities that may be incurred by the processor. The maximum number
15 of tires stored by a processor shall be established by the department
16 based on the amount of the bond or other form of financial insurance.

17 (2) The requirement in subsection (1) of this section shall not
18 apply to processors possessing a valid permit on or before January 1,
19 1994.

20 NEW SECTION. Sec. 11. A new section is added to chapter 70.95 RCW
21 to read as follows:

22 The department shall follow these priorities, in descending order,
23 when developing and implementing policies related to waste tires: (1)
24 Waste reduction; (2) recycling; (3) energy recovery and pyrolysis; and
25 (4) incineration and landfill disposal.

26 NEW SECTION. Sec. 12. A new section is added to chapter 70.95 RCW
27 to read as follows:

28 Chapter . . . , Laws of 1994 (this act) shall apply prospectively
29 and not retroactively.

30 NEW SECTION. Sec. 13. The legislature finds that extending the
31 expiration date of the tire fee under section 4 of this act is not a
32 tax increase within the meaning of section 13, chapter 2, Laws of 1994
33 (Initiative 601). If the secretary of state determines that this act
34 must be submitted to the people for their adoption and ratification, or

1 rejection, as a result of section 13, chapter 2, Laws of 1994, this act
2 shall be null and void."

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