

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2662

Chapter 136, Laws of 1994

53rd Legislature
1994 Regular Session

HAZARDOUS WASTE FEES

EFFECTIVE DATE: 6/9/94

Passed by the House February 11, 1994
Yeas 95 Nays 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Passed by the Senate March 3, 1994
Yeas 49 Nays 0

JOEL PRITCHARD

President of the Senate

Approved March 28, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2662** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

Chief Clerk

FILED

March 28, 1994 - 11:42 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2662

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By House Committee on Revenue (originally sponsored by Representatives Holm, Foreman, G. Fisher, Dunshee, Patterson, Dorn, Lemmon, Basich, Ogden, Jones, Finkbeiner, Moak, Kremen, Springer, Roland, King, Cothorn, Morris, J. Kohl and L. Johnson; by request of Department of Revenue)

Read first time 02/02/94.

1 AN ACT Relating to hazardous waste fees; amending RCW 70.95E.010,
2 70.95E.020, 70.95E.030, and 70.95E.050; and repealing RCW 70.95E.060.

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

4 **Sec. 1.** RCW 70.95E.010 and 1990 c 114 s 11 are each amended to
5 read as follows:

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

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

11 (2) "Department" means the department of ecology.

12 (3) "EPA/state identification number" means the number assigned by
13 the EPA (environmental protection agency) or by the department of
14 ecology to each generator and/or transporter and treatment, storage,
15 and/or disposal facility.

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

1 (5) "Fee" means the annual fees imposed under this chapter.

2 (6) "Generate" means any act or process which produces hazardous
3 waste or first causes a hazardous waste to become subject to
4 regulation.

5 (7) "Hazardous waste" means and includes all dangerous and
6 extremely hazardous wastes but for the purposes of this chapter
7 excludes all radioactive wastes or substances composed of both
8 radioactive and hazardous components.

9 (8) "Known generators" means persons that have notified the
10 department ~~((7))~~ and have received an EPA/state identification number
11 ~~((and generate quantities of hazardous wastes regulated under chapter~~
12 ~~70.105 RCW))~~.

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

18 (10) "Potential generators" means all persons whose primary
19 business activities are identified by the department to be likely to
20 generate any quantity of hazardous wastes.

21 (11) "Price deflator" means the United States department of
22 commerce bureau of economic analysis, "Implicit Price Deflator for
23 Gross National Product" for "Government Purchases of Goods and
24 Services," for "State and Local Government."

25 (12) "Recycled for beneficial use" means the use of hazardous
26 waste, either before or after reclamation, as a substitute for a
27 commercial product or raw material, but does not include: (a) Use
28 constituting disposal; (b) incineration; or (c) use as a fuel.

29 (13) "Waste generation site" means any geographical area that has
30 been assigned an EPA/state identification number.

31 **Sec. 2.** RCW 70.95E.020 and 1990 c 114 s 12 are each amended to
32 read as follows:

33 A fee is imposed for the privilege of generating or potentially
34 generating hazardous waste in the state. The annual amount of the fee
35 shall be thirty-five dollars upon every known generator or potential
36 generator doing business in Washington in the current calendar year or
37 any part thereof. This fee shall be collected by the department of
38 revenue. A potential generator shall be exempt from the fee imposed

1 under this section if the potential generator is entitled to the
2 exemption in RCW 82.04.300 in the current calendar year. The
3 department shall, subject to appropriation, use the funds collected
4 from the fees assessed in this subsection to support the activities of
5 the office of waste reduction as specified in RCW 70.95C.030. The fee
6 imposed pursuant to this section (~~((shall be first due on July 31, 1990,~~
7 ~~for any generator or potential generator operating in Washington from~~
8 ~~March 21, 1990, to December 31, 1990, or any part thereof))~~ is due
9 annually by July 1 of the year following the calendar year for which
10 the fee is imposed, except the fee scheduled to be imposed for calendar
11 year 1993 shall be imposed on known generators only.

12 **Sec. 3.** RCW 70.95E.030 and 1990 c 114 s 13 are each amended to
13 read as follows:

14 (~~((1+))~~) Hazardous waste generators and hazardous substance users
15 required to prepare plans under RCW 70.95C.200 shall pay an
16 (~~additional~~) annual fee to support implementation of RCW 70.95C.200
17 and 70.95C.040. These fees are to be used by the department, subject
18 to appropriation, for plan review, technical assistance to facilities
19 that are required to prepare plans, other activities related to plan
20 development and implementation, and associated indirect costs. The
21 total fees collected under this subsection shall not exceed the
22 department's costs of implementing RCW 70.95C.200 and 70.95C.040 and
23 shall not exceed one million dollars per year. The annual fee for a
24 facility shall not exceed ten thousand dollars per year. Any facility
25 that generates less than two thousand six hundred forty pounds of
26 hazardous waste per waste generation site in the previous calendar year
27 shall be exempt from the fee imposed by this section. The annual fee
28 for a facility generating at least two thousand six hundred forty
29 pounds but not more than four thousand pounds of hazardous waste per
30 waste generation site in the previous calendar year shall not exceed
31 fifty dollars. A person that develops a plan covering more than one
32 interrelated facility as provided for in RCW 70.95C.200 shall be
33 assessed fees only for the number of plans prepared. The department
34 shall adopt a fee schedule by rule after consultation with typical
35 affected businesses and other interested parties. Hazardous waste
36 generated and recycled for beneficial use, including initial amount of
37 hazardous substances introduced into a process and subsequently

1 recycled for beneficial use, shall not be used in the calculations of
2 hazardous waste generated for purposes of this section.

3 ~~((2) Fees imposed by this section shall be first due on July 1,~~
4 ~~1991, for facilities that are required to prepare plans in 1992, on~~
5 ~~July 1, 1992, for facilities that are required to prepare plans in~~
6 ~~1993, and on July 1, 1993, for facilities that are required to prepare~~
7 ~~plans in 1994.))~~ The annual fee imposed by this section shall be first
8 due on July 1 of the year prior to the year that the facility is
9 required to prepare a plan, and by July 1 of each year thereafter.

10 **Sec. 4.** RCW 70.95E.050 and 1990 c 114 s 15 are each amended to
11 read as follows:

12 In administration of this chapter for the enforcement and
13 collection of the fees due and owing under this chapter, the department
14 of revenue is authorized to apply the provisions of chapter 82.32 RCW,
15 except that the provisions of RCW (~~82.32.050 and 82.32.090~~) 82.32.045
16 shall not apply.

17 NEW SECTION. **Sec. 5.** RCW 70.95E.060 and 1990 c 114 s 16 are each
18 repealed.

Passed the House February 11, 1994.

Passed the Senate March 3, 1994.

Approved by the Governor March 28, 1994.

Filed in Office of Secretary of State March 28, 1994.