

2 **2SHB 1162** - S COMM AMD
3 By Committee on Ecology & Parks

4 ADOPTED 4/10/95

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

7 "Sec. 1. RCW 70.95E.010 and 1994 c 136 s 1 are each amended to
8 read as follows:

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

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

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

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

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

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

24 (6) "Generate" means any act or process which produces hazardous
25 waste or first causes a hazardous waste to become subject to
26 regulation.

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

31 (~~(8) ("Known generators" means persons that have notified the
32 department and have received an EPA/state identification number.)~~)

33 "Hazardous waste generator" means all persons whose primary business
34 activities are identified by the department to generate any quantity of
35 hazardous waste in the calendar year for which the fee is imposed.

36 (9) "Person" means an individual, trust, firm, joint stock company,

1 partnership, association, state, public or private or municipal
2 corporation, commission, political subdivision of a state, interstate
3 body, the federal government including any agency or officer thereof,
4 and any Indian tribe or authorized tribal organization.

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

8 (~~(11)~~) "Price deflator" means the United States department of
9 commerce bureau of economic analysis, "Implicit Price Deflator for
10 Gross National Product" for "Government Purchases of Goods and
11 Services," for "State and Local Government."

12 (~~(12)~~) (11) "Recycled for beneficial use" means the use of
13 hazardous waste, either before or after reclamation, as a substitute
14 for a commercial product or raw material, but does not include: (a)
15 Use constituting disposal; (b) incineration; or (c) use as a fuel.

16 (~~(13)~~) (12) "Waste generation site" means any geographical area
17 that has been assigned an EPA/state identification number.

18 **Sec. 2.** RCW 70.95E.020 and 1994 sp.s. c 2 s 3 and 1994 c 136 s 2
19 are each reenacted and amended to read as follows:

20 A fee is imposed for the privilege of generating (~~(or potentially~~
21 ~~generating)~~) hazardous waste in the state. The annual amount of the
22 fee shall be thirty-five dollars upon every (~~(known generator or~~
23 ~~potential)~~) hazardous waste generator doing business in Washington in
24 the current calendar year or any part thereof. This fee shall be
25 collected by the department (~~(of revenue)~~) or its designee. A
26 (~~(potential)~~) hazardous waste generator shall be exempt from the fee
27 imposed under this section if the value of products, gross proceeds of
28 sales, or gross income of the business, from all business activities of
29 the (~~(potential)~~) hazardous waste generator, is less than twelve
30 thousand dollars in the current calendar year. The department shall,
31 subject to appropriation, use the funds collected from the fees
32 assessed in this subsection to support the activities of the office of
33 waste reduction as specified in RCW 70.95C.030. The fee imposed
34 pursuant to this section is due annually by July 1 of the year
35 following the calendar year for which the fee is imposed(~~(, except the~~
36 ~~fee scheduled to be imposed for calendar year 1993 shall be imposed on~~
37 ~~known generators only)~~).

1 **Sec. 3.** RCW 70.95E.050 and 1994 c 136 s 4 are each amended to read
2 as follows:

3 In administration of this chapter for the enforcement and
4 collection of the fees due and owing under ~~((this chapter))~~ RCW
5 70.95E.020 and 70.95E.030, the department ~~((of revenue is authorized~~
6 ~~to))~~ may apply ~~((the provisions of chapter 82.32 RCW, except that the~~
7 ~~provisions of RCW 82.32.045 shall not apply))~~ RCW 43.17.240.

8 **Sec. 4.** RCW 70.95E.090 and 1990 c 114 s 19 are each amended to
9 read as follows:

10 The department may use funds in the hazardous waste assistance
11 account to provide technical assistance and compliance education
12 assistance to hazardous substance users and waste generators, to
13 provide grants to local governments, and for administration of this
14 chapter. ~~((The department of revenue shall be appropriated a~~
15 ~~percentage amount of the total fees collected, not to exceed two~~
16 ~~percent of the total fees collected, for administration and collection~~
17 ~~expenses incurred by the department of revenue.))~~

18 Technical assistance may include the activities authorized under
19 chapter 70.95C RCW and RCW 70.105.170 to encourage hazardous waste
20 reduction and hazardous use reduction and the assistance provided for
21 by RCW 70.105.100(2).

22 Compliance education may include the activities authorized under
23 RCW 70.105.100(2) to train local agency officials and to inform
24 hazardous substance users and hazardous waste generators and owners and
25 operators of hazardous waste management facilities of the requirements
26 of chapter 70.105 RCW and related federal laws and regulations. To the
27 extent practicable, the department shall contract with private
28 businesses to provide compliance education.

29 Grants to local governments shall be used for small quantity
30 generator technical assistance and compliance education components of
31 their moderate risk waste plans as required by RCW 70.105.220.

32 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the
34 state government and its existing public institutions, and shall take
35 effect immediately."

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4 On page 1, line 2 of the title, after "fees;" strike the remainder
5 of the title and insert "amending RCW 70.95E.010, 70.95E.050, and
6 70.95E.090; reenacting and amending RCW 70.95E.020; and declaring an
7 emergency."

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