

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE HOUSE BILL 1162**

Chapter 207, Laws of 1995

54th Legislature  
1995 Regular Session

HAZARDOUS WASTE GENERATION FEES COLLECTION

EFFECTIVE DATE: 5/3/95

Passed by the House April 18, 1995  
Yeas 92 Nays 0

CLYDE BALLARD

**Speaker of the  
House of Representatives**

Passed by the Senate April 10, 1995  
Yeas 46 Nays 0

JOEL PRITCHARD

**President of the Senate**

Approved May 3, 1995

MIKE LOWRY

**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1162** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

**Chief Clerk**

FILED

May 3, 1995 - 11:33 a.m.

**Secretary of State  
State of Washington**

---

**SECOND SUBSTITUTE HOUSE BILL 1162**

---

AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

**State of Washington                      54th Legislature                      1995 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Schoesler and Mastin; by request of Department of Ecology and Department of Revenue)

Read first time 03/06/95.

1            AN ACT Relating to the collection of hazardous waste generation  
2 fees; amending RCW 70.95E.010, 70.95E.050, and 70.95E.090; reenacting  
3 and amending RCW 70.95E.020; and declaring an emergency.

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

5            **Sec. 1.** RCW 70.95E.010 and 1994 c 136 s 1 are each amended to read  
6 as follows:

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

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

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

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

17            (4) "Extremely hazardous waste" shall have the same definition as  
18 set forth in RCW 70.105.010(6) and shall specifically include those

1 wastes designated as extremely hazardous by rules adopted pursuant to  
2 chapter 70.105 RCW.

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

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

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

11 (~~(("Known generators" means persons that have notified the~~  
12 ~~department and have received an EPA/state identification number.)~~)  
13 "Hazardous waste generator" means all persons whose primary business  
14 activities are identified by the department to generate any quantity of  
15 hazardous waste in the calendar year for which the fee is imposed.

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

21 (~~(("Potential generators" means all persons whose primary~~  
22 ~~business activities are identified by the department to be likely to~~  
23 ~~generate any quantity of hazardous wastes.~~

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

28 (~~(12)~~) (11) "Recycled for beneficial use" means the use of  
29 hazardous waste, either before or after reclamation, as a substitute  
30 for a commercial product or raw material, but does not include: (a)  
31 Use constituting disposal; (b) incineration; or (c) use as a fuel.

32 (~~(13)~~) (12) "Waste generation site" means any geographical area  
33 that has been assigned an EPA/state identification number.

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

36 A fee is imposed for the privilege of generating (~~or potentially~~  
37 ~~generating~~) hazardous waste in the state. The annual amount of the  
38 fee shall be thirty-five dollars upon every (~~known generator or~~

1 ~~potential~~) hazardous waste generator doing business in Washington in  
2 the current calendar year or any part thereof. This fee shall be  
3 collected by the department ~~((of revenue))~~ or its designee. A  
4 ~~((potential))~~ hazardous waste generator shall be exempt from the fee  
5 imposed under this section if the value of products, gross proceeds of  
6 sales, or gross income of the business, from all business activities of  
7 the ~~((potential))~~ hazardous waste generator, is less than twelve  
8 thousand dollars in the current calendar year. The department shall,  
9 subject to appropriation, use the funds collected from the fees  
10 assessed in this subsection to support the activities of the office of  
11 waste reduction as specified in RCW 70.95C.030. The fee imposed  
12 pursuant to this section is due annually by July 1 of the year  
13 following the calendar year for which the fee is imposed ~~((, except the~~  
14 ~~fee scheduled to be imposed for calendar year 1993 shall be imposed on~~  
15 ~~known generators only))~~.

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

18 In administration of this chapter for the enforcement and  
19 collection of the fees due and owing under ~~((this chapter))~~ RCW  
20 70.95E.020 and 70.95E.030, the department ~~((of revenue is authorized~~  
21 ~~to))~~ may apply ~~((the provisions of chapter 82.32 RCW, except that the~~  
22 ~~provisions of RCW 82.32.045 shall not apply))~~ RCW 43.17.240.

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

25 The department may use funds in the hazardous waste assistance  
26 account to provide technical assistance and compliance education  
27 assistance to hazardous substance users and waste generators, to  
28 provide grants to local governments, and for administration of this  
29 chapter. ~~((The department of revenue shall be appropriated a~~  
30 ~~percentage amount of the total fees collected, not to exceed two~~  
31 ~~percent of the total fees collected, for administration and collection~~  
32 ~~expenses incurred by the department of revenue.))~~

33 Technical assistance may include the activities authorized under  
34 chapter 70.95C RCW and RCW 70.105.170 to encourage hazardous waste  
35 reduction and hazardous use reduction and the assistance provided for  
36 by RCW 70.105.100(2).

1 Compliance education may include the activities authorized under  
2 RCW 70.105.100(2) to train local agency officials and to inform  
3 hazardous substance users and hazardous waste generators and owners and  
4 operators of hazardous waste management facilities of the requirements  
5 of chapter 70.105 RCW and related federal laws and regulations. To the  
6 extent practicable, the department shall contract with private  
7 businesses to provide compliance education.

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

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

Passed the House April 18, 1995.

Passed the Senate April 10, 1995.

Approved by the Governor May 3, 1995.

Filed in Office of Secretary of State May 3, 1995.