
HOUSE BILL 2487

State of Washington

58th Legislature

2004 Regular Session

By Representatives Cooper, Campbell, Hunt, Romero, O'Brien, Chase, Sullivan, Ruderman, Dunshee, Wood, Dickerson, Moeller and Morrell

Read first time 01/15/2004. Referred to Committee on Fisheries, Ecology & Parks.

1 AN ACT Relating to management of hazardous materials in electronic
2 products; amending RCW 70.95.030; adding a new section to chapter 70.95
3 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that many obsolete
6 electronic products contain valuable materials that should be recovered
7 and recycled. The legislature further finds that electronic products
8 containing hazardous materials should be managed as hazardous waste and
9 not be disposed of in landfills, incinerators, or energy recovery
10 facilities. The legislature further finds that additional electronic
11 products, such as cellular phones and computer peripherals, should be
12 reviewed for future inclusion in hazardous waste management and
13 recycling programs. Therefore, the legislature finds that an initial
14 list of electronic products containing hazardous materials will be
15 managed to recover valuable materials and prevent the release of toxic
16 materials into the environment.

17 **Sec. 2.** RCW 70.95.030 and 2002 c 299 s 4 are each amended to read
18 as follows:

1 As used in this chapter, unless the context indicates otherwise:

2 (1) "City" means every incorporated city and town.

3 (2) "Commission" means the utilities and transportation commission.

4 (3) "Committee" means the state solid waste advisory committee.

5 (4) "Composted material" means organic solid waste that has been
6 subjected to controlled aerobic degradation at a solid waste facility
7 in compliance with the requirements of this chapter. Natural decay of
8 organic solid waste under uncontrolled conditions does not result in
9 composted material.

10 (5) "Covered electronic products" means all televisions, computer
11 monitors, and computer central processing units.

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

13 ~~((6))~~ (7) "Director" means the director of the department of
14 ecology.

15 ~~((7))~~ (8) "Disposal site" means the location where any final
16 treatment, utilization, processing, or deposit of solid waste occurs.

17 ~~((8))~~ (9) "Energy recovery" means a process operating under
18 federal and state environmental laws and regulations for converting
19 solid waste into usable energy and for reducing the volume of solid
20 waste.

21 ~~((9))~~ (10) "Functional standards" means criteria for solid waste
22 handling expressed in terms of expected performance or solid waste
23 handling functions.

24 ~~((10))~~ (11) "Hazardous electronic material" means covered
25 electronic products that contain concentrations of toxic materials
26 exceeding the regulatory levels established in Title 40 C.F.R. part
27 261.24 as it existed on the effective date of this act.

28 (12) "Incineration" means a process of reducing the volume of solid
29 waste operating under federal and state environmental laws and
30 regulations by use of an enclosed device using controlled flame
31 combustion.

32 ~~((11))~~ (13) "Jurisdictional health department" means city,
33 county, city-county, or district public health department.

34 ~~((12))~~ (14) "Landfill" means a disposal facility or part of a
35 facility at which solid waste is placed in or on land and which is not
36 a land treatment facility.

37 ~~((13))~~ (15) "Local government" means a city, town, or county.

1 (~~(14)~~) (16) "Modify" means to substantially change the design or
2 operational plans including, but not limited to, removal of a design
3 element previously set forth in a permit application or the addition of
4 a disposal or processing activity that is not approved in the permit.

5 (~~(15)~~) (17) "Multiple family residence" means any structure
6 housing two or more dwelling units.

7 (~~(16)~~) (18) "Person" means individual, firm, association,
8 copartnership, political subdivision, government agency, municipality,
9 industry, public or private corporation, or any other entity
10 whatsoever.

11 (~~(17)~~) (19) "Recyclable materials" means those solid wastes that
12 are separated for recycling or reuse, such as papers, metals, and
13 glass, that are identified as recyclable material pursuant to a local
14 comprehensive solid waste plan. Prior to the adoption of the local
15 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
16 local governments may identify recyclable materials by ordinance from
17 July 23, 1989.

18 (~~(18)~~) (20) "Recycling" means transforming or remanufacturing
19 waste materials into usable or marketable materials for use other than
20 landfill disposal or incineration.

21 (~~(19)~~) (21) "Residence" means the regular dwelling place of an
22 individual or individuals.

23 (~~(20)~~) (22) "Sewage sludge" means a semisolid substance
24 consisting of settled sewage solids combined with varying amounts of
25 water and dissolved materials, generated from a wastewater treatment
26 system, that does not meet the requirements of chapter 70.95J RCW.

27 (~~(21)~~) (23) "Soil amendment" means any substance that is intended
28 to improve the physical characteristics of the soil, except composted
29 material, commercial fertilizers, agricultural liming agents,
30 unmanipulated animal manures, unmanipulated vegetable manures, food
31 wastes, food processing wastes, and materials exempted by rule of the
32 department, such as biosolids as defined in chapter 70.95J RCW and
33 wastewater as regulated in chapter 90.48 RCW.

34 (~~(22)~~) (24) "Solid waste" or "wastes" means all putrescible and
35 nonputrescible solid and semisolid wastes including, but not limited
36 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
37 demolition and construction wastes, abandoned vehicles or parts
38 thereof, and recyclable materials.

1 ~~((23))~~ (25) "Solid waste handling" means the management, storage,
2 collection, transportation, treatment, utilization, processing, and
3 final disposal of solid wastes, including the recovery and recycling of
4 materials from solid wastes, the recovery of energy resources from
5 solid wastes or the conversion of the energy in solid wastes to more
6 useful forms or combinations thereof.

7 ~~((24))~~ (26) "Source separation" means the separation of different
8 kinds of solid waste at the place where the waste originates.

9 ~~((25))~~ (27) "Vehicle" includes every device physically capable of
10 being moved upon a public or private highway, road, street, or
11 watercourse and in, upon, or by which any person or property is or may
12 be transported or drawn upon a public or private highway, road, street,
13 or watercourse, except devices moved by human or animal power or used
14 exclusively upon stationary rails or tracks.

15 ~~((26))~~ (28) "Waste-derived soil amendment" means any soil
16 amendment as defined in this chapter that is derived from solid waste
17 as defined in RCW 70.95.030, but does not include biosolids or
18 biosolids products regulated under chapter 70.95J RCW or wastewaters
19 regulated under chapter 90.48 RCW.

20 ~~((27))~~ (29) "Waste reduction" means reducing the amount or
21 toxicity of waste generated or reusing materials.

22 ~~((28))~~ (30) "Yard debris" means plant material commonly created
23 in the course of maintaining yards and gardens, and through
24 horticulture, gardening, landscaping, or similar activities. Yard
25 debris includes but is not limited to grass clippings, leaves,
26 branches, brush, weeds, flowers, roots, windfall fruit, vegetable
27 garden debris, holiday trees, and tree prunings four inches or less in
28 diameter.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.95 RCW
30 to read as follows:

31 (1) Effective January 1, 2006, no person may knowingly dispose of
32 covered electronic products except by delivery to a person collecting
33 covered electronic products subject to the provisions of this chapter
34 and chapter 70.105 RCW.

35 (2) Effective January 1, 2006, no owner or operator of a solid
36 waste landfill, energy recovery facility, or incinerator may knowingly

1 accept hazardous electronic material for disposal in the landfill,
2 energy recovery facility, or incinerator.

3 (3) All covered electronic products are assumed hazardous
4 electronic material unless they are proven not to contain
5 concentrations of toxic materials exceeding the regulatory levels
6 established in Title 40 C.F.R. Part 261.24 by use of the toxicity
7 characteristic leaching procedure test.

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