

SSB 5080 - S AMD 72

By Senators Haugen, Marr and Swecker

WITHDRAWN 4/4/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature restates its goal to fully
4 clean up unauthorized waste tire piles in Washington state in an
5 expeditious fashion. In partnership with local governments and the
6 private sector, the legislature encourages ongoing efforts to prevent
7 the creation of future unauthorized waste tire piles. The legislature
8 notes a positive trend in tire recycling in recent years and encourages
9 all parties to continue these strong recycling efforts.

10 **Sec. 2.** RCW 70.95.510 and 2005 c 354 s 2 are each amended to read
11 as follows:

12 (1) There is levied a one dollar per tire fee on the retail sale of
13 new replacement vehicle tires (~~((for a period of five years, beginning~~
14 ~~July 1, 2005))~~). The fee imposed in this section (~~((shall))~~) must be paid
15 by the buyer to the seller, and each seller shall collect from the
16 buyer the full amount of the fee. The fee collected from the buyer by
17 the seller less the ten percent amount retained by the seller as
18 provided in RCW 70.95.535(1) (~~((shall))~~) must be paid to the department
19 of revenue in accordance with RCW 82.32.045.

20 (2) The department of revenue shall incorporate into the agency's
21 regular audit cycle a reconciliation of the number of tires sold and
22 the amount of revenue collected by the businesses selling new
23 replacement vehicle tires at retail. The department of revenue shall
24 collect on the business excise tax return from the businesses selling
25 new replacement vehicle tires at retail:

26 (a) The number of tires sold; and

27 (b) The fee levied in this section.

28 (3) All other applicable provisions of chapter 82.32 RCW have full
29 force and application with respect to the fee imposed under this
30 section. The department of revenue shall administer this section.

1 (4) For the purposes of this section, "new replacement vehicle
2 tires" means tires that are newly manufactured for vehicle purposes and
3 does not include retreaded vehicle tires.

4 **Sec. 3.** RCW 70.95.521 and 2005 c 354 s 3 are each amended to read
5 as follows:

6 The waste tire removal account is created in the state treasury.
7 (~~All receipts from tire fees imposed under RCW 70.95.510 must be~~
8 ~~deposited in the account.~~) Moneys in the account may be spent only
9 after appropriation. Expenditures from the account may be used for the
10 cleanup of unauthorized waste tire piles and measures that prevent
11 future accumulation of unauthorized waste tire piles.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.95 RCW
13 to read as follows:

14 Fifty percent of all receipts from tire fees imposed under RCW
15 70.95.510 must be deposited in the multimodal transportation account
16 under RCW 47.66.070, until June 30, 2010. Beginning July 1, 2010, all
17 receipts from tire fees imposed under RCW 70.95.510 must be deposited
18 in the multimodal transportation account under RCW 47.66.070. Moneys
19 in the account may be spent only after appropriation. Expenditures
20 from the account may be used for the cleanup of unauthorized waste tire
21 piles and measures that prevent future accumulation of unauthorized
22 waste tire piles.

23 Fifty percent of all receipts from tire fees imposed under RCW
24 70.95.510 must be deposited in the waste tire removal account under RCW
25 70.95.521, until June 30, 2010.

26 **Sec. 5.** RCW 70.95.530 and 2005 c 354 s 5 are each amended to read
27 as follows:

28 (1) Moneys in the waste tire removal account may be appropriated to
29 the department of ecology:

30 (a) To provide for funding to state and local governments for the
31 removal of discarded vehicle tires from unauthorized tire dump sites;
32 and

33 (b) To accomplish the other purposes of RCW 70.95.020 as they
34 relate to waste tire cleanup under this chapter(~~+~~and

35 ~~(c) To conduct a study of existing tire cleanup sites. The office~~
36 ~~of financial management shall oversee the study process and approve the~~

1 ~~completed study. The completed study shall be delivered to the house~~
2 ~~of representatives and senate transportation committees by November 15,~~
3 ~~2005. In conducting the study, the department shall consult on a~~
4 ~~regular basis with interested parties. The following identified~~
5 ~~elements at a minimum shall be included in the completed study:~~

6 ~~— (i) Identification of existing tire cleanup sites in the state of~~
7 ~~Washington;~~

8 ~~— (ii) The estimated number of tires in each tire cleanup site;~~

9 ~~— (iii) A map identifying the location of each one of the tire~~
10 ~~cleanup sites;~~

11 ~~— (iv) A photograph of each one of the tire cleanup sites;~~

12 ~~— (v) The estimated cost for cleanup of each tire [cleanup] site by~~
13 ~~cost component;~~

14 ~~— (vi) The estimated reimbursement of costs to be recovered from~~
15 ~~persons or entities that created or have responsibility for the tire~~
16 ~~cleanup site;~~

17 ~~— (vii) Identification of the type of reimbursements for recovery by~~
18 ~~each of the tire cleanup sites;~~

19 ~~— (viii) The estimated time frame to begin the cleanup project and~~
20 ~~the estimated completion date for each tire cleanup site;~~

21 ~~— (ix) An assessment of local government functions relating to~~
22 ~~unauthorized tire piles, including cleanup, enforcement, and public~~
23 ~~health;~~

24 ~~— (x) Identification of needs in the areas in (c)(ix) of this~~
25 ~~subsection for each one of the counties; and~~

26 ~~— (xi) A statewide cleanup plan based on multiple funding options~~
27 ~~between twenty cents and sixty cents for each new tire sold at retail~~
28 ~~in the state starting on July 1, 2005. The plan shall include the~~
29 ~~estimated time frame to begin each of the tire cleanup sites and the~~
30 ~~estimated completion date for each one of the sites. In addition, the~~
31 ~~plan must include a process to be followed in selecting entities to~~
32 ~~perform the tire site cleanups. The 2006 legislature shall determine~~
33 ~~the final distribution of the tire cleanup fee and the appropriations~~
34 ~~for this statewide tire cleanup plan)).~~

35 (2) In spending funds in the account under this section, the
36 department of ecology shall identify communities with the most severe
37 problems with waste tires and provide funds first to those communities
38 to remove accumulations of waste tires.

1 ~~(3) ((Immediately after July 1, 2005, the department of ecology~~
2 ~~shall initiate a pilot project in a city with a population between~~
3 ~~three and four thousand within a county with a population less than~~
4 ~~twenty thousand to contract to clean up a formerly licensed tire pile~~
5 ~~in existence for ten or more years. To begin the project, the~~
6 ~~department shall seek to use financial assurance funds set aside for~~
7 ~~clean up of the tire pile. For purposes of this subsection, population~~
8 ~~figures are the official 2004 population as estimated by the office of~~
9 ~~financial management for purposes of state revenue allocation.))~~ On
10 September first of even-numbered years, the department of ecology shall
11 provide a report to the house and senate transportation committees on
12 the progress being made on the cleanup of unauthorized waste tire piles
13 in the state and efforts underway to prevent the formation of future
14 unauthorized waste tire piles. The report should detail any additional
15 waste tire piles discovered since the last report and present a plan to
16 clean up these new unauthorized waste tire piles if they have not
17 already done so, as well as include a listing of authorized waste tire
18 piles and transporters. The report shall also include the status of
19 funds available to the program and a needs assessment of the program.
20 On September 1, 2008, the department shall also make recommendations to
21 the committees for an ongoing program to prevent the formation of
22 future unauthorized waste tire piles. Such a program, if required,
23 must include joint efforts with local governments and the tire
24 industry.

25 **Sec. 6.** RCW 70.95.555 and 2005 c 354 s 6 are each amended to read
26 as follows:

27 Any person engaged in the business of transporting or storing waste
28 tires shall be licensed by the department. To obtain a license, each
29 applicant must:

30 (1) Provide assurances that the applicant is in compliance with
31 this chapter and the rules regarding waste tire storage and
32 transportation;

33 (2) Accept liability for and authorize the department to recover
34 any costs incurred in any cleanup of waste tires transported or newly
35 stored by the applicant in violation of this section, or RCW 70.95.560,
36 70.95.515, or 70.95.570, or rules adopted thereunder, after July 1,
37 2005;

1 (3) (~~Until January 1, 2006, post a bond in the sum of ten thousand~~
2 ~~dollars in favor of the state of Washington for waste tires transported~~
3 ~~or stored before July 1, 2005. In lieu of the bond, the applicant may~~
4 ~~submit financial assurances acceptable to the department;~~
5 ~~—(4))~~) After January 1, 2006, for waste tires transported or stored
6 before July 1, 2005, or for waste tires transported or stored after
7 July 1, 2005, post a bond in an amount to be determined by the
8 department sufficient to cover the liability for the cost of cleanup of
9 the transported or stored waste tires, in favor of the state of
10 Washington. In lieu of the bond, the applicant may submit financial
11 assurances acceptable to the department;
12 ((+5)) (4) Be registered in the state of Washington as a business
13 and be in compliance with all state laws, rules, and local ordinances;
14 ((+6)) (5) Have a federal tax identification number and be in
15 compliance with all applicable federal codes and regulations; and
16 ((+7)) (6) Report annually to the department the amount of tires
17 transported and their disposition. Failure to report shall result in
18 revocation of the license."

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21 On page 1, line 1 of the title, after "fees;" strike the remainder
22 of the title and insert "amending RCW 70.95.510, 70.95.521, 70.95.530,
23 and 70.95.555; adding a new section to chapter 70.95 RCW; and creating
24 a new section."

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EFFECT: Includes intent section restating legislature's goal to fully clean-up unauthorized waste tire piles. Permits expenditures from the multimodal transportation account for the clean-up of unauthorized waste tire piles. Requires Department of Ecology to biennially report to the legislative transportation committees on the progress of unauthorized waste tire pile clean-up.