

---

ENGROSSED SENATE BILL 6501

---

State of Washington

63rd Legislature

2014 Regular Session

By Senators Ericksen and Darneille

Read first time 01/30/14. Referred to Committee on Energy,  
Environment & Telecommunications.

1 AN ACT Relating to used oil recycling; amending RCW 70.95I.020 and  
2 70.95I.030; and adding a new section to chapter 43.21A RCW.

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

4 **Sec. 1.** RCW 70.95I.020 and 1991 c 319 s 303 are each amended to  
5 read as follows:

6 (1) Each local government and its local hazardous waste plan under  
7 RCW 70.105.220 is required to include a used oil recycling element.  
8 This element shall include:

9 (a) A plan to reach the local goals for household used oil  
10 recycling established by the local government and the department under  
11 RCW 70.95I.030. The plan shall, to the maximum extent possible,  
12 incorporate voluntary agreements with the private sector and state  
13 agencies to provide sites for the collection of used oil. Where  
14 provided, the plan shall also incorporate residential collection of  
15 used oil;

16 (b) A plan for enforcing the sign and container ordinances required  
17 by RCW 70.95I.040;

18 (c) A plan for public education on used oil recycling; (~~and~~)

1           (d) A plan for addressing best management practices as provided for  
2 under RCW 70.95I.030; and

3           (e) An estimate of funding needed to implement the requirements of  
4 this chapter. This estimate shall include a budget reserve for  
5 disposal of contaminated oil detected at any public used oil collection  
6 site administered by the local government.

7           (2) By July 1, 1993, each local government or combination of  
8 contiguous local governments shall submit its used oil recycling  
9 element to the department. The department shall approve or disapprove  
10 the used oil recycling element by January 1, 1994, or within ninety  
11 days of submission, whichever is later. The department shall approve  
12 or disapprove the used oil recycling element if it determines that the  
13 element is consistent with this chapter and the guidelines developed by  
14 the department under RCW 70.95I.030.

15           (3) Each local government, or combination of contiguous local  
16 governments, shall submit an annual statement to the department  
17 describing the number of used oil collection sites and the quantity of  
18 household used oil recycled for the jurisdiction during the previous  
19 calendar year. The first statement shall be due April 1, 1994.  
20 Subsequent statements shall be due April 1st of each year.

21           (4) Nothing in this section shall be construed to require a city or  
22 county to construct or operate a public used oil collection site.

23           **Sec. 2.** RCW 70.95I.030 and 1991 c 319 s 304 are each amended to  
24 read as follows:

25           (1) By July 1, 1992, the department shall, in consultation with  
26 local governments, prepare guidelines for the used oil recycling  
27 elements required by RCW 70.95I.020 and best management practices for  
28 preventing and managing polychlorinated biphenyl contamination at  
29 public used oil collection sites.

30           (a) The guidelines shall:

31           (~~(a)~~) (i) Require development of local collection and rerefining  
32 goals for household used oil for each entity preparing a used oil  
33 recycling element under RCW 70.95I.020;

34           (~~(b)~~) (ii) Require local government to recommend the number of  
35 used oil collection sites needed to meet the local goals. The  
36 department shall establish criteria regarding minimum levels of used  
37 oil collection sites;

1       (~~(e)~~) (iii) Require local government to identify locations  
2 suitable as public used oil collection sites as described under RCW  
3 70.95I.020(1)(a).

4       (b) The best management practices for preventing and managing  
5 polychlorinated biphenyl contamination at public used oil collection  
6 sites must include:

7       (i) Tank testing requirements;

8       (ii) Contaminated tank labeling and security measures;

9       (iii) Contaminated tank cleanup standards;

10       (iv) Proper contaminated used oil disposal as required under  
11 chapter 70.105 RCW and 40 C.F.R. Part 761;

12       (v) Spill control measures; and

13       (vi) Model contract language for contracts with used oil collection  
14 vendors.

15       (2) The department may waive all or part of the specific  
16 requirements of RCW 70.95I.020 if a local government demonstrates to  
17 the satisfaction of the department that the objectives of this chapter  
18 have been met.

19       (3) The department may prepare and implement a used oil recycling  
20 plan for any local government failing to complete the used oil  
21 recycling element of the plan.

22       (4) The department shall develop statewide collection and  
23 rerefining goals for household used oil for each calendar year  
24 beginning with calendar year 1994. Goals shall be based on the  
25 estimated statewide collection and rerefining rate for calendar year  
26 1993, and shall increase each year until calendar year 1996, when the  
27 rate shall be eighty percent.

28       (5) By July 1, 1993, the department shall prepare guidelines  
29 establishing statewide equipment and operating standards for public  
30 used oil collection sites. Standards shall:

31       (a) Allow the use of used oil collection igloos and other types of  
32 portable used oil collection tanks;

33       (b) Prohibit the disposal of nonhousehold-generated used oil;

34       (c) Limit the amount of used oil deposited to five gallons per  
35 household per day;

36       (d) Ensure adequate protection against leaks and spills; and

37       (e) Include other requirements deemed appropriate by the  
38 department.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 43.21A RCW  
2    to read as follows:

3        (1) Cities and counties may submit a petition for relief to the  
4    department for reimbursement of extraordinary costs associated with  
5    managing unforeseen consequences of used oil contaminated with  
6    polychlorinated biphenyl and compliance with United States  
7    environmental protection agency enforcement orders and  
8    enforcement-related agreements.

9        (2) The department, in consultation with city and county moderate  
10   risk waste coordinators, the United States environmental protection  
11   agency, and other stakeholders must: Use updated best management  
12   practices guidelines for the collection and management of used oil for  
13   prioritizing and processing the petitions; ensure best management  
14   practices for preventing and managing polychlorinated biphenyl  
15   contamination, as required under RCW 70.95I.030, are met; and determine  
16   if costs for disposal or compliance are extraordinary. Prioritization  
17   of the petitions must be based on, but not limited to, such factors as  
18   disposal costs, costs to meet United States environmental protection  
19   agency enforcement orders or enforcement related agreements, and  
20   whether the costs are extraordinary and could not be reasonably  
21   accommodated and anticipated in accordance with the best management  
22   practices for oil contaminated with polychlorinated biphenyl in the  
23   normal budget process.

24        (3) Before January 1st of each year, the department must develop  
25   and submit to the appropriate fiscal committees of the senate and house  
26   of representatives a prioritized list of submitted petitions that are  
27   recommended for funding by the legislature, if funded, costs must be  
28   reimbursed from the model toxics control accounts.

--- END ---