

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6501

Chapter 173, Laws of 2014

63rd Legislature
2014 Regular Session

USED OIL RECYCLING

EFFECTIVE DATE: 06/12/14

Passed by the Senate March 10, 2014
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 5, 2014
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 31, 2014, 3:26 p.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6501** as passed by the Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

March 31, 2014

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6501

AS AMENDED BY THE HOUSE

Passed Legislature - 2014 Regular Session

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~~) maintain guidelines for the used oil
27 recycling elements required by RCW 70.95I.020 and, by July 1, 2015,
28 shall develop best management practices for preventing and managing
29 polychlorinated biphenyl contamination at public used oil collection
30 sites.

31 (a) The guidelines shall:

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

35 (~~(b)~~) (ii) Require local government to recommend the number of
36 used oil collection sites needed to meet the local goals. The

1 department shall establish criteria regarding minimum levels of used
2 oil collection sites;

3 ~~((e))~~ (iii) Require local government to identify locations
4 suitable as public used oil collection sites as described under RCW
5 70.95I.020(1)(a).

6 (b) The best management practices for preventing and managing
7 polychlorinated biphenyl contamination at public used oil collection
8 sites must include, at a minimum:

9 (i) Tank testing requirements;

10 (ii) Contaminated tank labeling and security measures;

11 (iii) Contaminated tank cleanup standards;

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

14 (v) Spill control measures; and

15 (vi) Model contract language for contracts with used oil collection
16 vendors.

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

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

24 (4) The department shall develop statewide collection and
25 rerefining goals for household used oil for each calendar year
26 beginning with calendar year 1994. Goals shall be based on the
27 estimated statewide collection and rerefining rate for calendar year
28 1993, and shall increase each year until calendar year 1996, when the
29 rate shall be eighty percent.

30 (5) By July 1, ~~((1993))~~ 2015, the department shall ~~((prepare))~~
31 update the guidelines establishing statewide equipment and operating
32 standards for public used oil collection sites. The updated guidelines
33 must include the best management practices for prevention and
34 management of contaminated used oil developed pursuant to subsection
35 (1) of this section and a process for how to petition the legislature
36 for relief of extraordinary costs incurred with the management and
37 disposal of contaminated used oil. In addition, the standards shall:

- 1 (a) Allow the use of used oil collection igloos and other types of
2 portable used oil collection tanks;
- 3 (b) Prohibit the disposal of nonhousehold-generated used oil;
- 4 (c) Limit the amount of used oil deposited to five gallons per
5 household per day;
- 6 (d) Ensure adequate protection against leaks and spills; and
- 7 (e) Include other requirements deemed appropriate by the
8 department.

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

11 (1) Cities and counties may submit a petition to the department for
12 reimbursement of extraordinary costs associated with managing
13 unforeseen consequences of used oil contaminated with polychlorinated
14 biphenyl and compliance with United States environmental protection
15 agency enforcement orders and enforcement-related agreements.

16 (2) The department, in consultation with city and county moderate
17 risk waste coordinators, the United States environmental protection
18 agency, and other stakeholders, must process and prioritize city and
19 county petitions that meet the following conditions:

20 (a) The petitioning city or county has followed and met:

21 (i) The updated best management practices guidelines for the
22 collection and management of used oil; and

23 (ii) The best management practices for preventing and managing
24 polychlorinated biphenyl contamination, as required under RCW
25 70.95I.030; and

26 (b) The department has determined that:

27 (i) The costs to the petitioning city or county for disposal of the
28 contaminated oil or for compliance with United States environmental
29 protection agency enforcement orders or enforcement related agreements
30 are extraordinary; and

31 (ii) The city or county could not reasonably accommodate or
32 anticipate the extraordinary costs in their normal budget processes by
33 following and meeting the best management practices for oil
34 contaminated with polychlorinated biphenyl.

35 (3) Before January 1st of each year, the department must develop
36 and submit to the appropriate fiscal committees of the senate and house
37 of representatives a prioritized list of submitted petitions that the

1 department recommends for funding by the legislature. It is the intent
2 of the legislature that if funded, the reimbursement of extraordinary
3 city or county costs associated with polychlorinated biphenyl
4 management and compliance activities come from the model toxics control
5 accounts.

Passed by the Senate March 10, 2014.

Passed by the House March 5, 2014.

Approved by the Governor March 31, 2014.

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