
Environment & Energy Committee

HB 2207

Brief Description: Providing tools designed to reduce the impacts of unlawful solid waste dumping.

Sponsors: Representatives Ramos, Low, Chapman, Couture and Reed.

Brief Summary of Bill

- Reclassifies certain unlawful waste dumping violations as natural resource infractions rather than misdemeanor offenses and moves from volume-based litter penalties to weight-based litter penalties.
- Reallocates half of the revenues from litter cleanup restitution payments to be used for waste disposal campaigns, especially those designed to reduce illegal dumping.
- Creates a pilot project at the Department of Natural Resources to remove abandoned vessels in areas other than those above aquatic lands.
- Provides for the use of model toxics control operating accounts funds on public participation grants that focus on reducing dumping in rural, forested communities for the 2025 to 2027 and 2027 to 2029 fiscal biennia.

Hearing Date: 1/18/24

Staff: Zachary Blinkinsop (786-7296) and Jacob Lipson (786-7196).

Background:

Unlawful Waste Dumping.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

It is unlawful to abandon a junk vehicle or to dispose of litter on any public property, public waters, or the private property of any other person.

Penalties for the unlawful dumping of waste (littering) are assessed on a sliding scale depending on the amount of waste:

- It is a class 1 civil infraction to litter any potentially dangerous material in any amount.
 - The maximum penalty and the default amount of a class 1 civil infraction involving potentially dangerous litter is \$500.
- It is a class 3 civil infraction to litter in an amount less than or equal to one cubic foot.
 - The maximum penalty and the default amount of a class 3 civil infraction, not including statutory assessments, is \$50.
- It is a misdemeanor to litter in an amount greater than one cubic foot but less than one cubic yard.
 - A misdemeanor fine may not exceed \$50,000.
- It is a gross misdemeanor to litter in an amount equal to or greater than one cubic yard.
 - A gross misdemeanor fine may not exceed \$250,000.

A person found guilty of misdemeanor littering must pay a litter cleanup restitution payment equal to twice the actual cost of cleanup or \$50 per cubic foot of litter, whichever is greater. A person found guilty of gross misdemeanor littering must pay a litter cleanup restitution payment equal to twice the actual cost of cleanup or \$100 per cubic foot of litter, whichever is greater.

The court distributes one-half of a restitution payment to the landowner of the property where the waste was littered and one-half of the restitution payment to the law enforcement agency investigating the incident.

Natural Resource Infractions.

Certain offenses involving forests and forest products under Title 46 RCW, fish and wildlife under Title 77 RCW, public lands under Title 79 RCW, and public recreational lands under Title 79A RCW, are classified as natural resource infractions. A natural resource infraction is not a criminal offense. A person found to have committed a natural resource infraction shall be assessed a monetary penalty. This penalty must be at least \$10, and it cannot exceed \$500 unless specifically authorized by statute.

Derelict Vessel Removal Program.

The Derelict Vessel Removal Program (DVRP) is administered by the Department of Natural Resources (DNR). Under the DVRP, certain public entities, including DNR, may take custody and dispose of abandoned or derelict vessels on or above aquatic lands within their jurisdiction.

To be considered derelict, a vessel must have an owner who exerts control over the vessel, and it has been impermissibly left on public waters or public property, impermissibly left on private property, or left for seven consecutive days and is in danger of sinking, obstructing a waterway,

or endangering life or property.

Waste Reduction, Recycling, and Litter Control Account.

A litter tax is imposed on every manufacturer, wholesaler, and retailer doing business in the state. This tax is remitted into the waste reduction, recycling, and litter control account (litter control account) and the account is administered by the Department of Ecology. The tax only applies to the value or the gross proceeds from the sale of products like food, groceries, cigarettes, containers, and toiletries. The receipts from the litter tax are primarily used for litter collection, waste reduction, recycling, and composting programs.

Model Toxics Control Operating Account.

Revenue from the pollution tax on hazardous substances and petroleum products is allocated to multiple accounts, including 60 percent of collections to the model toxics control operating account (MTCA operating account). The MTCA operating account is used for hazardous waste planning and management, public education about hazardous waste, financial assistance for local waste programs, oil and hazardous spill prevention and training, and other similar uses. One percent of the pollution tax moneys deposited into the MTCA operating account is allocated for public participation grants to persons who may be adversely affected by hazardous substances and not-for-profit public organizations. The primary purpose of these grants is to facilitate participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances. The grants may not exceed \$60,000. The grants may be renewed annually.

Summary of Bill:

Unlawful Waste Dumping.

It is a class 3 civil infraction to litter in an amount less than or equal to 50 pounds and is thus subject to a maximum default infraction penalty of \$50.

It is a natural resource infraction to litter in an amount more than 50 pounds. Penalties for these littering violations are:

- up to \$250 for littering between 50 and 500 pounds of material;
- up to \$750 for littering more than 500 pounds and less than 1,000 pounds of material; and
- up to \$1,000 for littering more than 1,000 pounds of material.

The litter cleanup restitution payment is assessed at four times the actual cost of cleanup. The court distributes one-half of a litter cleanup restitution payment to the waste reduction, recycling, and litter control account (litter control account) and one-half to the law enforcement agency investigating the incident.

Derelict Vessels.

Until June 30, 2029, the Department of Natural Resources (DNR) shall operate a pilot project focused on removing vessels that are illegally dumped and found derelict in areas other than above aquatic lands. The DNR's derelict vessel program authority is temporarily expanded to encompass terrestrial lands, for purposes of the pilot project. By January 1, 2028, the DNR shall report to the Legislature the number of vessels that will have been removed under the pilot program, limitations in the pilot program, and recommendations as whether to continue, expand, or modify the pilot program.

Waste Reduction, Recycling, and Litter Control Account.

One hundred percent of the receipts from the litter cleanup restitution payments into the litter control account is reserved for the Department of Ecology to award grants to local governments or nonprofit organizations for the purpose of reducing illegal dumping on public or private forestlands or other spaces. Qualifying projects must have project descriptions at reducing outdoor dumping or reducing the cost of legal waste disposal, such as education campaigns, free or reduced-cost collection days, income-based waste disposal coupons or vouchers, and other measures reasonably targeted at reducing illegal dumping.

Public Participation Grants.

For the 2025 to 2027 and 2027 to 2029 fiscal biennia only, an additional 0.25 percent of the moneys collected in the model toxics control operating account must be used for public participation grants that focus on public education efforts in rural, forested communities. These public education efforts must be targeted at reducing illegal dumping of hazardous materials or petroleum-containing products on forestland.

Appropriation: None.

Fiscal Note: Requested on January 10, 2024.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.