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**ENGROSSED SUBSTITUTE HOUSE BILL 2207**

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**State of Washington**                      **68th Legislature**                      **2024 Regular Session**

**By** House Environment & Energy (originally sponsored by  
Representatives Ramos, Low, Chapman, Couture, and Reed)

READ FIRST TIME 01/31/24.

1            AN ACT Relating to providing tools designed to reduce the impacts  
2 of unlawful solid waste dumping; amending RCW 70A.200.060, 7.84.100,  
3 70A.200.140, 70A.305.180, 7.84.140, 7.84.020, and 70A.200.070; and  
4 creating a new section.

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

6            NEW SECTION.    **Sec. 1.**    (1) The legislature finds that, despite a  
7 modern waste disposal infrastructure, the occurrences of unlawful  
8 solid waste dumping are an increasing problem on open spaces such as  
9 privately and publicly owned forestlands. This irresponsible waste  
10 dumping, which often includes hazardous materials, asbestos, derelict  
11 boats, junk vehicles, appliances, furniture, and household garbage  
12 not only creates significant costs for the landowner, but also  
13 creates immediate, and sometimes lasting, environmental and habitat  
14 damage and degradation of recreational and aesthetic opportunities.

15            (2) The legislature further finds that the current enforcement  
16 system, which relies on the criminalization of illegal dumping, may  
17 not be the most effective, efficient, or just penalty system.  
18 Converting all but the most egregious illegal dumping from a criminal  
19 act to a civil infraction creates a system of deterrence and  
20 penalties that better reflects the magnitude of the act, avoids  
21 criminal records for individuals who may be unable to afford

1 appropriate waste management options, and reduces the burden on local  
2 criminal justice systems and infrastructures.

3 (3) The legislature further finds that appropriate waste disposal  
4 can create a financial barrier for some individuals. In an effort to  
5 divert illegal dumping, a portion of the existing litter cleanup  
6 restitution payment should be diverted from direct payments to  
7 landowners to funding efforts to mitigate the costs of proper  
8 disposal, restitution, or environmental damages.

9 **Sec. 2.** RCW 70A.200.060 and 2003 c 337 s 3 are each amended to  
10 read as follows:

11 (1) It is a violation of this section to ~~((abandon))~~:

12 (a) Abandon a junk vehicle upon any property~~((. In addition, no  
13 person shall throw))~~;

14 (b) Throw, drop, deposit, discard, or otherwise dispose of litter  
15 upon any public property in the state or upon private property in  
16 this state not owned by him or her or in the waters of this state  
17 whether from a vehicle or otherwise including but not limited to any  
18 public highway, public park, beach, campground, forestland,  
19 recreational area, trailer park, highway, road, street, or alley  
20 except:

21 ~~((+a))~~ (i) When the property is designated by the state or its  
22 agencies or political subdivisions for the disposal of garbage and  
23 refuse, and the person is authorized to use such property for that  
24 purpose;

25 ~~((+b))~~ (ii) Into a litter receptacle in a manner that will  
26 prevent litter from being carried away or deposited by the elements  
27 upon any part of the private or public property or waters.

28 (2) ~~((+a))~~ Except as provided in subsection ~~((+4))~~ (7) of this  
29 section, it is a class 3 civil infraction as provided in RCW 7.80.120  
30 for a person to litter in an amount less than or equal to one cubic  
31 foot.

32 ~~((+b))~~ (3) It is a ~~((misdemeanor for a person to litter in an  
33 amount greater than one cubic foot but less than one cubic yard.~~

34 ~~The person shall also pay a litter cleanup restitution payment  
35 equal to twice the actual cost of cleanup, or fifty dollars per cubic  
36 foot of litter, whichever is greater. The court shall distribute one-  
37 half of the restitution payment to the landowner))~~ natural resource  
38 infraction under chapter 7.84 RCW for a person to litter in an amount

1 greater than one cubic foot but less than 10 cubic yards and a gross  
2 misdemeanor for a person to litter more than 10 cubic yards.

3 (4) (a) A person found liable under this section shall, in  
4 addition to the penalties provided for gross misdemeanors, or for  
5 natural resource infractions as provided in RCW 7.84.100, also pay a  
6 litter cleanup restitution payment equal to four times the actual  
7 cost of cleanup. The court shall distribute one-half of the  
8 restitution payment to the waste reduction, recycling, and litter  
9 control account created in RCW 70A.200.140 and one-half of the  
10 restitution payment to the law enforcement agency investigating the  
11 incident.

12 (b) The court may, in addition to or in lieu of part or all of  
13 the cleanup restitution payment, order the person to pick up and  
14 remove litter from the property, with prior permission of the legal  
15 owner or, in the case of public property, of the agency managing the  
16 property.

17 (c) The court may suspend or modify the litter cleanup  
18 restitution payment for a first-time offender under this section, if  
19 the person cleans up and properly disposes of the litter.

20 ~~((c) It is a gross misdemeanor for a person to litter in an~~  
21 ~~amount of one cubic yard or more. The person shall also pay a litter~~  
22 ~~cleanup restitution payment equal to twice the actual cost of~~  
23 ~~cleanup, or one hundred dollars per cubic foot of litter, whichever~~  
24 ~~is greater. The court shall distribute one-half of the restitution~~  
25 ~~payment to the landowner and one-half of the restitution payment to~~  
26 ~~the law enforcement agency investigating the incident. The court may,~~  
27 ~~in addition to or in lieu of part or all of the cleanup restitution~~  
28 ~~payment, order the person to pick up and remove litter from the~~  
29 ~~property, with prior permission of the legal owner or, in the case of~~  
30 ~~public property, of the agency managing the property. The court may~~  
31 ~~suspend or modify the litter cleanup restitution payment for a first-~~  
32 ~~time offender under this section, if the person cleans up and~~  
33 ~~properly disposes of the litter.~~

34 ~~(d))~~ (5) If a junk vehicle is abandoned in violation of this  
35 section, RCW 46.55.230 governs the vehicle's removal, disposal, and  
36 sale, and the penalties that may be imposed against the person who  
37 abandoned the vehicle.

38 ~~((3))~~ (6) If the violation occurs in a state park, the court  
39 shall, in addition to any other penalties assessed, order the person  
40 to perform ~~((twenty-four))~~ 24 hours of community restitution in the

1 state park where the violation occurred if the state park has stated  
2 an intent to participate as provided in RCW 79A.05.050.

3 ~~((4))~~ (7) It is a class 1 civil infraction as provided in RCW  
4 7.80.120 for a person to discard, in violation of this section,  
5 potentially dangerous litter in any amount.

6 **Sec. 3.** RCW 7.84.100 and 2020 c 268 s 1 are each amended to read  
7 as follows:

8 (1) A person found to have committed an infraction shall be  
9 assessed a monetary penalty. No penalty may exceed ~~((five hundred  
10 dollars))~~ \$500 for each offense unless specifically authorized by  
11 statute.

12 (2) The supreme court may prescribe by rule a schedule of  
13 monetary penalties for designated infractions. The legislature  
14 requests the supreme court to adjust this schedule every two years  
15 for inflation. ~~((The))~~ Except as otherwise provided, the maximum  
16 penalty imposed by the schedule shall be ~~((five hundred dollars))~~  
17 \$500 per infraction and the minimum penalty imposed by the schedule  
18 shall be ~~((ten dollars))~~ \$10 per infraction. This schedule may be  
19 periodically reviewed by the legislature and is subject to its  
20 revision.

21 (3) Penalties for violations of RCW 70A.200.060 that are natural  
22 resource infractions are as follows:

23 (a) Up to \$250 for a person found liable of littering between one  
24 cubic foot and one cubic yard of material;

25 (b) Up to \$750 for a person found liable of littering more than  
26 one cubic yard and less than seven cubic yards of material;

27 (c) Up to \$1,000 for a person found liable of littering between  
28 seven and 10 cubic yards of material.

29 (4) Whenever a monetary penalty is imposed by a court under this  
30 chapter, it is immediately payable. If the person is unable to pay at  
31 that time, the court may, in its discretion, grant an extension of  
32 the period in which the penalty may be paid.

33 ~~((4))~~ (5)(a) The county treasurer shall remit ~~((seventy-five))~~  
34 75 percent of the money received under RCW 79A.80.080(5) to the state  
35 treasurer.

36 (b) Money remitted under this subsection to the state treasurer  
37 must be deposited in the recreation access pass account established  
38 under RCW 79A.80.090. The balance of the noninterest money received

1 by the county treasurer must be deposited in the county current  
2 expense fund.

3 **Sec. 4.** RCW 70A.200.140 and 2022 c 297 s 963 are each amended to  
4 read as follows:

5 (1) There is hereby created an account within the state treasury  
6 to be known as the waste reduction, recycling, and litter control  
7 account. Moneys in the account may be spent only after appropriation.  
8 Expenditures from the waste reduction, recycling, and litter control  
9 account shall be used as follows:

10 (a) (~~Forty~~) 40 percent of receipts from taxes imposed in RCW  
11 82.19.010 to the department of ecology, primarily for use by the  
12 departments of ecology, natural resources, revenue, transportation,  
13 and corrections, and the parks and recreation commission, for litter  
14 collection programs under RCW 70A.200.170. The amount to the  
15 department of ecology shall also be used for a central coordination  
16 function for litter control efforts statewide; to support employment  
17 of youth in litter cleanup as intended in RCW 70A.200.020, and for  
18 litter pick up using other authorized agencies; and for statewide  
19 public awareness programs under RCW 70A.200.150(7). The amount to the  
20 department shall also be used to defray the costs of administering  
21 the funding, coordination, and oversight of local government programs  
22 for waste reduction, litter control, recycling, and composting so  
23 that local governments can apply one hundred percent of their funding  
24 to achieving program goals. The amount to the department of revenue  
25 shall be used to enforce compliance with the litter tax imposed in  
26 chapter 82.19 RCW;

27 (b) (i) (~~Twenty~~) 20 percent of receipts from taxes imposed in  
28 RCW 82.19.010 to the department for local government funding programs  
29 for waste reduction, litter control, recycling activities, and  
30 composting activities by cities and counties under RCW 70A.200.190,  
31 to be administered by the department of ecology; (ii) any unspent  
32 funds under (b) (i) of this subsection may be used to create and pay  
33 for a matching fund competitive grant program to be used by local  
34 governments for the development and implementation of contamination  
35 reduction and outreach plans for inclusion in comprehensive solid  
36 waste management plans or by local governments and nonprofit  
37 organizations for local or statewide education programs designed to  
38 help the public with litter control, waste reduction, recycling, and  
39 composting of primarily the products taxed under chapter 82.19 RCW.

1 Recipients under this subsection include programs to reduce wasted  
2 food and food waste that are designed to achieve the goals  
3 established in RCW 70A.205.715(1) and that are consistent with the  
4 plan developed in RCW 70A.205.715(3). Grants must adhere to the  
5 following requirements: (A) No grant may exceed (~~sixty thousand~~  
6 ~~dollars~~) \$60,000; (B) grant recipients shall match the grant funding  
7 allocated by the department by an amount equal to (~~twenty-five~~) 25  
8 percent of eligible expenses. A local government's share of these  
9 costs may be met by cash or contributed services; (C) the obligation  
10 of the department to make grant payments is contingent upon the  
11 availability of the amount of money appropriated for this subsection  
12 (1)(b); and (D) grants are managed under the guidelines for existing  
13 grant programs; (~~and~~)

14 (c) (~~Forty~~) 40 percent of receipts from taxes imposed in RCW  
15 82.19.010 to the department of ecology to: (i) Implement activities  
16 under RCW 70A.200.150 for waste reduction, recycling, and composting  
17 efforts; (ii) provide technical assistance to local governments and  
18 commercial businesses to increase recycling markets and recycling and  
19 composting programs primarily for the products taxed under chapter  
20 82.19 RCW designed to educate citizens about waste reduction, litter  
21 control, and recyclable and compostable products and programs; (iii)  
22 increase access to waste reduction, composting, and recycling  
23 programs, particularly for food packaging and plastic bags and  
24 appropriate composting techniques; and (iv) for programs to reduce  
25 wasted food and food waste that are designed to achieve the goals  
26 established in RCW 70A.205.715(1) and that are consistent with the  
27 plan developed in RCW 70A.205.715(3); and

28 (d) 100 percent of receipts from litter cleanup restitution  
29 payments as provided in RCW 70A.200.060(4) and of fines and bail  
30 forfeitures received under this chapter, in addition to any  
31 legislative appropriations made to the account for these specific  
32 purposes, to the department to award grants to local governments or  
33 nonprofit organizations designed to reduce illegal dumping on public  
34 or private forestlands or other open spaces. The grants must be  
35 awarded for project descriptions aimed at reducing outdoor dumping or  
36 reducing the cost of legal waste disposal, such as education  
37 campaigns, free or reduced-cost collection days, income-based waste  
38 disposal coupons or vouchers, communication and funding partnerships  
39 with other entities such as landowners or collection companies,  
40 funding emphasis enforcement, funding information rewards, mitigation

1 money to assist landowners with removing large items or a substantial  
2 quantity of illegally dumped material, and other measures reasonably  
3 targeted at reducing illegal dumping. The department may implement  
4 this subsection (1)(d) by including any funding and activities in  
5 existing or related programs managed by the department and may use a  
6 portion of receipts from the litter cleanup restitution payments for  
7 administration of the grants required by this section.

8 (2) All taxes imposed in RCW 82.19.010 ~~((and fines and bail~~  
9 ~~forfeitures))~~ collected or received pursuant to this chapter shall be  
10 deposited in the waste reduction, recycling, and litter control  
11 account and used for the programs under subsection (1)(a) through (c)  
12 of this section. Except as provided in this chapter and chapters 7.80  
13 and 7.84 RCW, all fines and bail forfeitures collected or received  
14 pursuant to this chapter must be deposited in the waste reduction,  
15 recycling, and litter control account and used for the programs under  
16 subsection (1)(d) of this section.

17 (3) Not less than five percent and no more than ~~((ten))~~ 10  
18 percent of the amount appropriated into the waste reduction,  
19 recycling, and litter control account every biennium shall be  
20 reserved for capital needs, including the purchase of vehicles for  
21 transporting crews and for collecting litter and solid waste. Capital  
22 funds shall be distributed among state agencies and local governments  
23 according to the same criteria provided in RCW 70A.200.170 for the  
24 remainder of the funds, so that the most effective waste reduction,  
25 litter control, recycling, and composting programs receive the most  
26 funding. The intent of this subsection is to provide funds for the  
27 purchase of equipment that will enable the department to account for  
28 the greatest return on investment in terms of reaching a zero litter  
29 goal.

30 (4) Funds in the waste reduction, recycling, and litter control  
31 account, collected under chapter 82.19 RCW, must be prioritized for  
32 the products identified under RCW 82.19.020 solely for the purposes  
33 of recycling, composting, and litter collection, reduction, and  
34 control programs.

35 ~~((5) During the 2021-2023 fiscal biennium, Washington State~~  
36 ~~University may use funds in the waste reduction, recycling, and~~  
37 ~~litter control account, collected under chapter 82.19 RCW, to conduct~~  
38 ~~an organic waste study.~~

39 ~~(6) During the 2021-2023 fiscal biennium, and as an exception to~~  
40 ~~the distribution of expenditures otherwise required in this section,~~

1 ~~the department of ecology may use funds in the waste reduction,~~  
2 ~~recycling, and litter control account to continue a series of food~~  
3 ~~waste reduction campaigns, to continue to invest in litter prevention~~  
4 ~~campaigns, to conduct a recycling study, and to increase litter~~  
5 ~~control on state highways.))~~

6 **Sec. 5.** RCW 70A.305.180 and 2023 c 475 s 940 are each amended to  
7 read as follows:

8 (1) The model toxics control operating account is hereby created  
9 in the state treasury.

10 (2) Moneys in the model toxics control operating account must be  
11 used only to carry out the purposes of this chapter, including but  
12 not limited to the following:

13 (a) The state's responsibility for hazardous waste planning,  
14 management, regulation, enforcement, technical assistance, and public  
15 education required under chapter 70A.300 RCW;

16 (b) The state's responsibility for solid waste planning,  
17 management, regulation, enforcement, technical assistance, and public  
18 education required under chapter 70A.205 RCW;

19 (c) The hazardous waste clean-up program required under this  
20 chapter;

21 (d) State matching funds required under federal cleanup law;

22 (e) Financial assistance for local programs and plans, including  
23 local solid waste financial assistance, in accordance with chapters  
24 70A.405, 70A.205, 70A.214, 70A.224, and 70A.300 RCW;

25 (f) State government programs for the safe reduction, recycling,  
26 or disposal of paint and hazardous wastes from households, small  
27 businesses, and agriculture;

28 (g) Oil and hazardous materials spill prevention, preparedness,  
29 training, and response activities;

30 (h) Water and environmental health protection and monitoring  
31 programs;

32 (i) Programs authorized under chapter 70A.135 RCW;

33 (j) A public participation program;

34 (k) Development and demonstration of alternative management  
35 technologies designed to carry out the hazardous waste management  
36 priorities of RCW 70A.300.260;

37 (l) State agriculture and health programs for the safe use,  
38 reduction, recycling, or disposal of pesticides;

1 (m) Funding requirements to maintain receipt of federal funds  
2 under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et  
3 seq.);

4 (n) Air quality programs and actions for reducing public exposure  
5 to toxic air pollution;

6 (o) Petroleum-based plastic or expanded polystyrene foam debris  
7 clean-up activities in fresh or marine waters; and

8 (p) For the 2021-2023 fiscal biennium, and solely to continue the  
9 policy of previous biennia, forest practices at the department of  
10 natural resources.

11 (3) Except for unanticipated receipts under RCW 43.79.260 through  
12 43.79.282, moneys in model toxics control operating account may be  
13 spent only after appropriation by statute.

14 (4) One percent of the moneys collected under RCW 82.21.030, plus  
15 any additional amounts appropriated by the legislature, must be  
16 allocated only for public participation grants to persons who may be  
17 adversely affected by a release or threatened release of a hazardous  
18 substance and to not-for-profit public interest organizations. The  
19 primary purpose of these grants is to facilitate the participation by  
20 persons and organizations in the investigation and remedying of  
21 releases or threatened releases of hazardous substances and to  
22 implement the state's solid and hazardous waste management  
23 priorities. Eligible grants may include efforts to reduce illegal  
24 dumping of hazardous materials or petroleum-containing products on  
25 public and private land. No grant may exceed (~~sixty thousand~~  
26 ~~dollars~~) \$60,000. Grants may be renewed annually. Moneys  
27 appropriated for public participation that are not expended at the  
28 close of any biennium revert to the model toxics control operating  
29 account.

30 (5) The department must adopt rules for grant or loan issuance  
31 and performance.

32 (6) During the 2023-2025 fiscal biennium, the legislature may  
33 direct the state treasurer to make transfers of moneys in the model  
34 toxics control operating account to the state general fund.

35 **Sec. 6.** RCW 7.84.140 and 2011 c 320 s 13 are each amended to  
36 read as follows:

37 (1) The director chosen by the state parks and recreation  
38 commission, the commissioner of public lands, and the director of the  
39 department of fish and wildlife are each authorized to delegate and

1 accept enforcement authority over natural resource infractions to or  
2 from the other agencies through an agreement entered into under the  
3 interlocal cooperation act, chapter 39.34 RCW.

4 (2) Any person specified in RCW 70A.200.050 may initiate  
5 enforcement of RCW 70A.200.060 for those infractions that are natural  
6 resource infractions under this chapter, with or without an  
7 interlocal agreement under this section.

8 **Sec. 7.** RCW 7.84.020 and 2012 c 176 s 2 are each amended to read  
9 as follows:

10 The definition in this section applies throughout this chapter  
11 unless the context clearly requires otherwise.

12 "Infraction" means an offense which, by the terms of Title 76,  
13 77, 79, or 79A RCW or RCW 7.84.030(2)(b) or 70A.200.060, and rules  
14 adopted under these titles and sections, is declared not to be a  
15 criminal offense or a civil infraction and is subject to the  
16 provisions of this chapter.

17 **Sec. 8.** RCW 70A.200.070 and 1996 c 263 s 2 are each amended to  
18 read as follows:

19 The director may prescribe the procedures for the collection of  
20 penalties, costs, and other charges allowed by chapters 7.80 and 7.84  
21 RCW for violations of this chapter. Any person specified in RCW  
22 70A.200.050 that is also a general peace officer authorized to take  
23 actions specified in RCW 7.84.030, including detentions for a  
24 reasonable period and investigations, may take those actions with  
25 respect to littering infractions under this chapter.

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