
SENATE BILL 5279

State of Washington 53rd Legislature 1993 Regular Session

By Senators Hargrove, Owen, L. Smith and Anderson

Read first time 01/21/93. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to toxics control accounts; amending RCW
2 70.105D.070; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the needs for
5 cleanup of toxic substances far exceed available financial resources.
6 As a result, the legislature seeks to reprioritize the allocation of
7 state funding in order to meet the most urgent needs and ensure that
8 the funding is used directly for the actual cleanup of hazardous
9 materials.

10 **Sec. 2.** RCW 70.105D.070 and 1991 sp.s. c 13 s 69 are each amended
11 to read as follows:

12 (1) The state toxics control account and the local toxics control
13 account are hereby created in the state treasury.

14 (2) The following moneys shall be deposited into the state toxics
15 control account: (a) Those revenues which are raised by the tax
16 imposed under RCW 82.21.030 and which are attributable to that portion
17 of the rate equal to thirty-three one-hundredths of one percent; (b)
18 the costs of remedial actions recovered under this chapter or chapter

1 70.105A RCW; (c) penalties collected or recovered under this chapter;
2 and (d) any other money appropriated or transferred to the account by
3 the legislature. Moneys in the account may be used only to carry out
4 the purposes of this chapter, including but not limited to the
5 following activities:

6 (i) The state's responsibility for hazardous waste planning,
7 management, regulation, enforcement, technical assistance, and public
8 education required under chapter 70.105 RCW;

9 (ii) The state's responsibility for solid waste planning,
10 management, regulation, enforcement, technical assistance, and public
11 education required under chapter 70.95 RCW;

12 (iii) The hazardous waste cleanup program required under this
13 chapter;

14 (iv) State matching funds required under the federal cleanup law;

15 (v) Financial assistance for local programs in accordance with RCW
16 70.95.130, 70.95.140, 70.95.220, 70.95.230, 70.95.530, 70.105.220,
17 70.105.225, 70.105.235, and 70.105.260;

18 (vi) State government programs for the safe reduction, recycling,
19 or disposal of hazardous wastes from households, small businesses, and
20 agriculture;

21 (vii) Hazardous materials emergency response training;

22 (viii) Water and environmental health protection and monitoring
23 programs;

24 (ix) Programs authorized under chapter 70.146 RCW;

25 (x) A public participation program, including regional citizen
26 advisory committees;

27 (xi) Public funding to assist potentially liable persons to pay for
28 the costs of remedial action in compliance with cleanup standards under
29 RCW 70.105D.030(2)(d) but only when the amount and terms of such
30 funding are established under a settlement agreement under RCW
31 70.105D.040(4) and when the director has found that the funding will
32 achieve both (A) a substantially more expeditious or enhanced cleanup
33 than would otherwise occur, and (B) the prevention or mitigation of
34 unfair economic hardship; and

35 (xii) Development and demonstration of alternative management
36 technologies designed to carry out the top two hazardous waste
37 management priorities of RCW 70.105.150.

38 (3) The following moneys shall be deposited into the local toxics
39 control account: Those revenues which are raised by the tax imposed

1 under RCW 82.21.030 and which are attributable to that portion of the
2 rate equal to thirty-seven one-hundredths of one percent. Moneys
3 deposited in the local toxics control account shall be used by the
4 department for grants to local governments for the following purposes
5 in descending order of priority: (a) Remedial actions; (b) hazardous
6 waste plans and programs under RCW 70.105.220, 70.105.225, 70.105.235,
7 and 70.105.260; and (c) solid waste plans and programs under RCW
8 70.95.130, 70.95.140, 70.95.220, and 70.95.230. Funds for plans and
9 programs shall be allocated consistent with the priorities and matching
10 requirements established in chapters 70.105 and 70.95 RCW.

11 (4) Except for unanticipated receipts under RCW 43.79.260 through
12 43.79.282, moneys in the state and local toxics control accounts may be
13 spent only after appropriation by statute.

14 ~~(5) ((One percent of the moneys deposited into the state and local
15 toxics control accounts shall be allocated only for public
16 participation grants to persons who may be adversely affected by a
17 release or threatened release of a hazardous substance and to not for-
18 profit public interest organizations. The primary purpose of these
19 grants is to facilitate the participation by persons and organizations
20 in the investigation and remedying of releases or threatened releases
21 of hazardous substances and to implement the state's solid and
22 hazardous waste management priorities. No grant may exceed fifty
23 thousand dollars though it may be renewed annually. Moneys
24 appropriated for public participation from either account which are not
25 expended at the close of any biennium shall revert to the state toxics
26 control account.~~

27 ~~(6))~~ No moneys deposited into either the state or local toxics
28 control account may be used for solid waste incinerator feasibility
29 studies, construction, maintenance, or operation.

30 ~~((7))~~ (6) The department shall adopt rules for grant issuance and
31 performance.

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