

1 **Sec. 101.** RCW 70.93.020 and 1979 c 94 s 2 are each amended to read
2 as follows:

3 The purpose of this chapter is to accomplish litter control and
4 stimulate public and private recycling programs throughout this state
5 by delegating to the department of ecology the authority to:

6 (1) Conduct a permanent and continuous program to control and
7 remove litter from this state to the maximum practical extent possible;

8 (2) Recover and recycle waste materials related to litter and
9 littering;

10 (3) Foster private recycling and markets for recyclable materials;
11 and

12 (4) Increase public awareness of the need for recycling and litter
13 control. It is further the intent and purpose of this chapter to
14 create jobs for employment of youth in litter cleanup and related
15 activities and to stimulate and encourage small, private recycling
16 centers. This program shall include the compatible goal of recovery of
17 recyclable materials to conserve energy and natural resources wherever
18 practicable. Every other department of state government and all local
19 governmental units and agencies of this state shall cooperate with the
20 department of ecology in the administration and enforcement of this
21 chapter. The intent of this chapter is to add to and to coordinate
22 existing recycling and litter control and removal efforts and not
23 terminate or supplant such efforts.

24 **Sec. 102.** RCW 70.93.030 and 1979 c 94 s 3 are each amended to read
25 as follows:

26 As used in this chapter unless the context indicates otherwise:

27 (1) "Department" means the department of ecology;

28 (2) "Director" means the director of the department of ecology;

1 (3) "Disposable package or container" means all packages or
2 containers defined as such by rules and regulations adopted by the
3 department of ecology;

4 (4) "Litter" means all waste material including but not limited to
5 disposable packages or containers thrown or deposited as herein
6 prohibited but not including the wastes of the primary processes of
7 mining, logging, sawmilling, farming, or manufacturing;

8 (5) "Litter bag" means a bag, sack, or other container made of any
9 material which is large enough to serve as a receptacle for litter
10 inside the vehicle or watercraft of any person. It is not necessarily
11 limited to the state approved litter bag but must be similar in size
12 and capacity;

13 (6) "Litter receptacle" means those containers adopted by the
14 department of ecology and which may be standardized as to size, shape,
15 capacity, and color and which shall bear the state anti-litter symbol,
16 as well as any other receptacles suitable for the depositing of litter;

17 (7) "Person" means any political subdivision, government agency,
18 municipality, industry, public or private corporation, copartnership,
19 association, firm, individual, or other entity whatsoever;

20 (8) "Recycling" means (~~the process of separating, cleansing,~~
21 ~~treating, and reconstituting used or discarded litter-related materials~~
22 ~~for the purpose of recovering and reusing the resources contained~~
23 ~~therein~~)) transforming or remanufacturing waste materials into a
24 finished product for use other than landfill disposal or incineration;

25 (9) "Recycling center" means a central collection point for
26 recyclable materials;

27 (10) "Vehicle" includes every device capable of being moved upon a
28 public highway and in, upon, or by which any persons or property is or
29 may be transported or drawn upon a public highway, excepting devices

1 moved by human or animal power or used exclusively upon stationary
2 rails or tracks;

3 (11) "Watercraft" means any boat, ship, vessel, barge, or other
4 floating craft;

5 (12) "Public place" means any area that is used or held out for use
6 by the public whether owned or operated by public or private interests.

7 NEW SECTION. **Sec. 103.** A new section is added to chapter 70.93
8 RCW to read as follows:

9 (1) In addition to the assessment imposed in RCW 70.93.120, there
10 is hereby levied and there shall be collected by the department of
11 revenue from every person engaging within this state in business as a
12 manufacturer, making sales at wholesale, or making sales at retail an
13 annual recycling assessment. The assessment shall be based on all
14 sales of tangible personal property. The total amount of all
15 assessments shall be equal to an amount that would result if retailers
16 paid such assessment at a rate of fifty dollars per million dollars of
17 sales.

18 (2) The department of revenue, in consultation with the department
19 of ecology, shall develop a formula for adjusting the rates paid by
20 manufacturers, wholesalers, and retailers so that the assessment rates
21 reflect the difference in value of goods sold by each sector.

22 (3) This section expires July 1, 1993.

23 **Sec. 104.** RCW 82.18.100 and 1989 c 431 s 80 are each amended to
24 read as follows:

25 (1) There is imposed on each person using the services of a solid
26 waste collection business a solid waste collection tax of one and four-
27 tenths percent of the consideration charged for the services. This tax
28 shall be applied only to a service charge for actual solid waste

1 collection services that are provided. For residential collection
2 service only, the tax shall apply to the lesser of the consideration
3 charged for the services or:

4 (a) For customers with less than two-can service, the first eight
5 dollars of the monthly charge for the services.

6 (b) For customers with two-can service or more, the first twelve
7 dollars of the monthly charge for the services.

8 (2) Money collected under this section shall be held in trust until
9 paid to the state. (~~Money received by the state~~) Funds accruing from
10 the portion of the tax imposed at a rate of one percent of the cost of
11 service shall be deposited in the solid waste management account
12 created by RCW 70.95.800. Funds accruing from the portion of the tax
13 imposed at a rate of four-tenths of one percent of the cost of service
14 shall be deposited in the clean Washington account created by section
15 108 of this 1991 act.

16 (3) This section expires July 1, 1993.

17 **Sec. 105.** RCW 70.93.130 and 1971 ex.s. c 307 s 13 are each amended
18 to read as follows:

19 Because it is the express purpose of this chapter to accomplish
20 effective litter control within the state of Washington and because it
21 is a further purpose of this chapter to allocate a portion of the cost
22 of administering it to those industries whose products including the
23 packages, wrappings, and containers thereof, are reasonably related to
24 the litter problem, in arriving at the amount upon which the assessment
25 under RCW 70.93.120 is to be calculated only the value of products or
26 the gross proceeds of sales of products falling into the following
27 categories shall be included:

28 (1) Food for human or pet consumption.

29 (2) Groceries.

- 1 (3) Cigarettes and tobacco products.
- 2 (4) Soft drinks and carbonated waters.
- 3 (5) Beer and other malt beverages.
- 4 (6) Wine.
- 5 (7) Newspapers and magazines.
- 6 (8) Household paper and paper products.
- 7 (9) Glass containers.
- 8 (10) Metal containers.
- 9 (11) Plastic or fiber containers made of synthetic material.
- 10 (12) Cleaning agents and toiletries.
- 11 (13) Nondrug drugstore sundry products.

12 **Sec. 106.** RCW 70.93.150 and 1971 ex.s. c 307 s 15 are each amended
13 to read as follows:

14 "Sold within this state" or "sales of the business within this
15 state" as used in RCW 70.93.120 and in section 103 of this 1991 act
16 shall mean all sales of retailers engaged in business within this state
17 and all sales of products for use or consumption within this state in
18 the case of manufacturers and wholesalers.

19 **Sec. 107.** RCW 70.93.180 and 1985 c 57 s 68 are each amended to
20 read as follows:

21 There is hereby created an account within the state treasury to be
22 known as the "litter control account". All assessments, fines, bail
23 forfeitures, and other funds collected or received pursuant to ((this
24 chapter)) RCW 70.93.120 and 70.93.230 shall be deposited in the litter
25 control account and used for the administration and implementation of
26 this chapter except as required to be otherwise distributed under RCW
27 70.93.070. All earnings of investments of balances in the litter
28 control account shall be credited to the general fund.

1 NEW SECTION. **Sec. 108.** A new section is added to chapter 70.93
2 RCW to read as follows:

3 There is hereby created an account within the state treasury to be
4 known as the clean Washington account. All assessments, and other
5 funds collected or received pursuant to sections 103, 113, and 204 of
6 this act, and RCW 82.18.080 and subject to appropriation, shall be
7 deposited in the clean Washington account and used for the
8 administration and implementation of the clean Washington center as
9 established under section 203 of this act.

10 **Sec. 109.** RCW 70.95.030 and 1989 c 431 s 2 are each amended to
11 read as follows:

12 As used in this chapter, unless the context indicates otherwise:

- 13 (1) "City" means every incorporated city and town.
- 14 (2) "Commission" means the utilities and transportation commission.
- 15 (3) "Committee" means the state solid waste advisory committee.
- 16 (4) "Department" means the department of ecology.
- 17 (5) "Director" means the director of the department of ecology.
- 18 (6) "Disposal site" means the location where any final treatment,
19 utilization, processing, or deposit of solid waste occurs.
- 20 (7) "Energy recovery" means a process operating under federal and
21 state environmental laws and regulations for converting solid waste
22 into usable energy and for reducing the volume of solid waste.
- 23 (8) "Functional standards" means criteria for solid waste handling
24 expressed in terms of expected performance or solid waste handling
25 functions.
- 26 (9) "Incineration" means a process of reducing the volume of solid
27 waste operating under federal and state environmental laws and
28 regulations by use of an enclosed device using controlled flame
29 combustion.

1 (10) "Jurisdictional health department" means city, county, city-
2 county, or district public health department.

3 (11) "Landfill" means a disposal facility or part of a facility at
4 which solid waste is placed in or on land and which is not a land
5 treatment facility.

6 (12) "Local government" means a city, town, or county.

7 (13) "Person" means individual, firm, association, copartnership,
8 political subdivision, government agency, municipality, industry,
9 public or private corporation, or any other entity whatsoever.

10 (14) "Postconsumer recovered material" means those products or
11 feedstocks that have served their intended end uses and that have been
12 diverted from the solid waste stream for the purpose of recycling.
13 Postconsumer recovered material does not mean mill broke that is
14 returned to the production line without leaving the possession of the
15 producer.

16 (15) "Recyclable materials" means those solid wastes that are
17 separated for recycling or reuse, such as papers, metals, and glass,
18 that are identified as recyclable material pursuant to a local
19 comprehensive solid waste plan. Prior to the adoption of the local
20 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
21 local governments may identify recyclable materials by ordinance from
22 July 23, 1989.

23 (~~(15)~~) (16) "Recycled content level" means the ratio obtained by
24 dividing the weight of postconsumer recovered material contained in a
25 product or package by the total weight of the product or package.

26 (17) "Recycling" means transforming or remanufacturing waste
27 materials into usable or marketable materials for use other than
28 landfill disposal or incineration.

1 (~~(16)~~) (18) "Recycling level" means the recycling rate for those
2 commodities identified in the solid waste stream analysis and
3 evaluation authorized under RCW 70.95.280.

4 (19) "Solid waste" or "wastes" means all putrescible and
5 nonputrescible solid and semisolid wastes including, but not limited
6 to, garbage, rubbish, ashes, industrial wastes, swill, demolition and
7 construction wastes, abandoned vehicles or parts thereof, and
8 recyclable materials.

9 (~~(17)~~) (20) "Solid waste handling" means the management, storage,
10 collection, transportation, treatment, utilization, processing, and
11 final disposal of solid wastes, including the recovery and recycling of
12 materials from solid wastes, the recovery of energy resources from
13 solid wastes or the conversion of the energy in solid wastes to more
14 useful forms or combinations thereof.

15 (~~(18)~~) (21) "Source separation" means the separation of different
16 kinds of solid waste at the place where the waste originates.

17 (~~(19)~~) (22) "Vehicle" includes every device physically capable of
18 being moved upon a public or private highway, road, street, or
19 watercourse and in, upon, or by which any person or property is or may
20 be transported or drawn upon a public or private highway, road, street,
21 or watercourse, except devices moved by human or animal power or used
22 exclusively upon stationary rails or tracks.

23 (~~(20)~~) (23) "Waste reduction" means reducing the amount or
24 toxicity of waste generated or reusing materials.

25 NEW SECTION. Sec. 110. The legislature finds that the most
26 intensive waste reduction strategies can only be implemented by
27 manufacturers through redesign of products and packages. The
28 legislature also finds that a significant part of the responsibility
29 for collection and disposal of products and packaging should be borne

1 by the manufacturers of such products and packages. It is the intent
2 of the legislature that all products requiring disposal and all
3 packaging materials used or sold within the state be recycled at a rate
4 of fifty percent or more by July 1, 1995. It is further the intent of
5 the legislature to impose a fee equal to fifty percent of the solid
6 waste management costs upon all manufacturers of products and packages
7 not being recycled at a rate of fifty percent or more within the state.

8 NEW SECTION. **Sec. 111.** The purpose of this chapter is to:

9 (1) Identify and explore the feasibility of the licensure of
10 manufacturers of goods sold at retail establishments in the state and
11 to recover from each manufacturer fifty percent of the cost of
12 recovering postconsumer materials, or to identify an alternate fee
13 system that assesses manufacturers for fifty percent of the cost of
14 this service;

15 (2) Grant each manufacturer credit against fees due and payable for
16 its activities helping to stimulate recycling and markets for recycled
17 materials.

18 NEW SECTION. **Sec. 112.** Unless the context clearly requires
19 otherwise, the definitions in this section apply throughout this
20 chapter.

21 (1) "Closure" means a constituent of a package used to seal the
22 package that, in order to function properly, must be made out of a
23 material other than the body of the package.

24 (2) "Cost of collection and disposal" means the cost of collecting,
25 processing, marketing, and disposing of materials in the solid waste
26 stream, including system operating costs, and deducting revenue from
27 the sale of materials.

28 (3) "Department" means the department of ecology.

1 (4) "Manufacturer" means a person, firm, or company responsible for
2 making a product or selecting the primary packaging material in which
3 a product is delivered to retail establishments.

4 (5) "Package" means a container providing a means of marketing,
5 protecting, or handling a product and includes a unit package, an
6 intermediate package, and a shipping container as defined in "Standard
7 Terminology of Packaging and Distribution Environments" D996.
8 "Package" also includes such unsealed receptacles as carrying cases,
9 crates, cups, pails, rigid foil and other trays, wrappers and wrapping
10 films, bags, and tubs.

11 (6) "Packaging material" means residue remaining after the package
12 has served its intended purpose.

13 (7) "Postconsumer recovered material" means only those products
14 generated by a business or consumer that have served their intended end
15 uses, and that can be diverted from the solid waste stream.
16 "Postconsumer recovered material" includes broke recovered material,
17 but does not include mill broke that is an in-plant production waste
18 that is returned to the production line and does not leave the
19 possession of the producer.

20 (8) "Primary package" means the package that has direct contact
21 with the product.

22 (9) "Recycling survey" means the survey conducted by the department
23 pursuant to RCW 70.95.280.

24 (10) "Require no operating subsidy" means that the marginal cost of
25 diverting a postconsumer recovered material is equal to or less than
26 the cost of disposal by landfill and incineration.

27 (11) "Retail establishment" means a product distribution center
28 where products are sold for consumption or use.

29 (12) "Single use packaging" means a package used less than five
30 times in the same or a similar distribution system.

1 (13) "Tare weight" means only the weight of the package and does
2 not include the product.

3 (14) "Target recycling rate" means the recycling rate set in the
4 state solid waste management plan.

5 (15) "Weighted cost of disposal by landfill and incineration" means
6 the dollar value resulting from the following series of computations:

7 (a) The total number of tons disposed in the state by means of
8 incineration, multiplied by the per ton cost of incineration; added to

9 (b) The total number of tons disposed in the state by means of
10 landfilling, multiplied by the per ton cost of landfilling; and

11 (c) Divide the result by the total number of tons disposed by means
12 of incineration and landfilling.

13 (16) "Wholesaler" means a person, individual, or company who
14 distributes goods to a retail establishment in this state.

15 NEW SECTION. **Sec. 113.** (1) The department shall determine the
16 average cost of collection and disposal of postconsumer waste. Costs
17 of disposing of toxic materials, those requiring special handling, or
18 otherwise incurring extraordinary costs shall be evaluated separately.

19 (2) The department, in conjunction with the department of revenue,
20 shall propose a method to recover, from manufacturers of products and
21 packages sold at retail establishments in Washington state, fifty
22 percent of the cost of collection and disposal of such materials. The
23 method should not pose undue burdens on any sector. The legislature
24 intends that the costs of system capitalization, operation, and
25 maintenance be included in the fee.

26 (3) The following products and packages shall not be subject to a
27 fee:

28 (a) Products and packaging that are recycled at a rate of fifty
29 percent or more and require no operating subsidy; and

1 (b) Packages that are used five times or more in the same or a
2 similar distribution system.

3 (4) The department shall report on the preferred method of cost
4 recovery to the appropriate standing committees of the legislature
5 January 1, 1992. The report shall present the method of cost recovery
6 selected by the department, project the cost associated with the
7 method, and identify a plan to implement it.

8 (5) The cost recovery system developed under this section shall
9 become effective July 1, 1992, unless the legislature adopts another
10 fee recovery system. The department shall adopt rules implementing the
11 cost recovery system in subsection (4) of this section.

12 (6) The state preempts the field of imposing prohibitions on the
13 sale or distribution of products and product packaging for the purpose
14 of affecting the disposal of products or product packaging. The state
15 has exclusive authority to impose such prohibitions or bans. No local
16 or regional subdivision of the state may impose such a prohibition or
17 ban on products or product packaging unless specifically granted such
18 authority by the state legislature.

19 (7) Fees paid by manufacturers under this section shall be
20 deposited in the clean Washington account created under section 108 of
21 this act.

22 NEW SECTION. **Sec. 114.** (1) After July 1, 1992, manufacturers
23 shall be eligible for credit against the fees due and payable under
24 section 113 of this act for any of the following activities that
25 stimulate development of markets for postconsumer materials, or
26 increase the recyclability of postconsumer recovered materials:

27 (a) Contribution of funds to the clean Washington center created
28 under section 203 of this act. For each dollar contribution made
29 before implementation of the fee system, manufacturers shall receive a

1 two dollar credit. For each dollar contributed after implementation of
2 the fee system, a seven dollar credit shall be granted;

3 (b) Use of postconsumer recovered materials used in construction of
4 products and packages sold or distributed in the state. For each ton
5 of postconsumer material used in manufacture of goods sold in
6 Washington state, a credit of one ton shall be added for the purposes
7 of calculating the recycling rate of such materials;

8 (c) Constructing products and packages from materials with high
9 recycling rates. For each ton of a material recycled, a credit of one
10 ton shall be added for the purposes of calculating the recycling rate
11 of such material.

12 (2)(a) All credits allowed under this section shall be given on a
13 material-by-material basis.

14 (b) In no year may the credit under subsection (1)(a) of this
15 section exceed fees due and payable by the manufacturer. If the
16 monetary contribution made to the clean Washington center under
17 subsection (1)(a) of this section exceeds fees due and payable by a
18 manufacturer, the excess credit may be carried forward into subsequent
19 years until it is depleted.

20 (c) In no year may the total amount of credits under subsection (1)
21 (b) and (c) of this section exceed fifty percent of the fees due and
22 payable by the manufacturer.

23 (d) In no year may the total amount of credits under subsection (1)
24 of this section exceed the total of the fees due and payable by the
25 manufacturer.

26 NEW SECTION. **Sec. 115.** Nothing in this chapter precludes a
27 manufacturer or an association of manufacturers from voluntary efforts
28 to establish systems to recover postconsumer recovered materials.

1 NEW SECTION. **Sec. 116.** Unless the context clearly requires
2 otherwise, the definitions in this section apply throughout this
3 chapter.

4 (1) "Container," unless otherwise specified, refers to "rigid
5 plastic container" or "plastic bottle" as those terms are defined in
6 this section.

7 (2) "Distributors" means those persons engaged in the distribution
8 of packaged goods for sale in the state of Washington, including
9 manufacturers, wholesalers, and retailers.

10 (3) "Label" means a molded, imprinted, or raised symbol on or near
11 the bottom of a plastic container or bottle.

12 (4) "Person" means an individual, sole proprietor, partnership,
13 association, or other legal entity.

14 (5) "Plastic" means a material made of polymeric organic compounds
15 and additives that can be shaped by flow.

16 (6) "Plastic bottle" means a plastic container intended for single
17 use that has a neck that is smaller than the body of the container,
18 accepts a screw-type, snap cap, or other closure and has a capacity of
19 sixteen fluid ounces or more, but less than five gallons.

20 (7) "Rigid plastic container" means a formed or molded container,
21 other than a bottle, intended for single use, composed predominantly of
22 plastic resin, and having a relatively inflexible finite shape or form
23 with a capacity of eight ounces or more but less than five gallons.

24 NEW SECTION. **Sec. 117.** (1) The provisions of this section and
25 any rules adopted under this section shall be interpreted to conform
26 with nation-wide plastics industry standards.

27 (2) Except as provided in section 118(2) of this act, after January
28 1, 1992, no person may distribute, sell, or offer for sale in this
29 state a plastic bottle or rigid plastic container unless the container

1 is labeled with a code identifying the appropriate resin type used to
2 produce the structure of the container. The code shall consist of a
3 number placed within three triangulated arrows and letters placed below
4 the triangle of arrows. The triangulated arrows shall be equilateral,
5 formed by three arrows with the apex of each point of the triangle at
6 the midpoint of each arrow, rounded with a short radius. The pointer
7 (arrowhead) of each arrow shall be at the midpoint of each side of the
8 triangle with a short gap separating the pointer from the base of the
9 adjacent arrow. The triangle, formed by the three arrows curved at
10 their midpoints shall depict a clockwise path around the code number.
11 The numbers and letters used shall be as follows:

- 12 (a) 1. = PETE (polyethylene terephthalate)
- 13 (b) 2. = HDPE (high density polyethylene)
- 14 (c) 3. = V (vinyl)
- 15 (d) 4. = LDPE (low density polyethylene)
- 16 (e) 5. = PP (polypropylene)
- 17 (f) 6. = PS (polystyrene)
- 18 (g) 7. = OTHER

19 NEW SECTION. **Sec. 118.** (1) A person who, after written notice
20 from the department, violates section 117 of this act is subject to a
21 civil penalty of fifty dollars for each violation up to a maximum of
22 five hundred dollars and may be enjoined from continuing violations.
23 Each distribution constitutes a separate offense.

24 (2) Distributors shall have two years from the effective date of
25 this section to clear current inventory, delivered or received and held
26 in their possession as of the effective date of this section.

27 NEW SECTION. **Sec. 119.** The legislature finds and declares that:

1 (1) The management of solid waste can pose a wide range of hazards
2 to public health and safety and to the environment;

3 (2) Packaging comprises a significant percentage of the overall
4 solid waste stream;

5 (3) The presence of heavy metals in packaging is a part of the
6 total concern in light of their likely presence in emissions or ash
7 when packaging is incinerated, or in leachate when packaging is
8 landfilled;

9 (4) Lead, mercury, cadmium, and hexavalent chromium, on the basis
10 of available scientific and medical evidence, are of particular
11 concern;

12 (5) It is desirable as a first step in reducing the toxicity of
13 packaging waste to eliminate the addition of these heavy metals to
14 packaging; and

15 (6) The intent of this chapter is to achieve this reduction in
16 toxicity without impeding or discouraging the expanded use of
17 postconsumer materials in the production of packaging and its
18 components.

19 NEW SECTION. **Sec. 120.** Unless the context clearly requires
20 otherwise, the definitions in this section apply throughout this
21 chapter.

22 (1) "Package" means a container providing a means of marketing,
23 protecting, or handling a product and shall include a unit package, an
24 intermediate package, and a shipping container. "Package" also means
25 and includes unsealed receptacles such as carrying cases, crates, cups,
26 pails, rigid foil and other trays, wrappers and wrapping films, bags,
27 and tubs.

28 (2) "Manufacturer" means a person, firm, or corporation that
29 applies a package to a product for distribution or sale.

1 (3) "Packaging component" means an individual assembled part of a
2 package such as, but not limited to, any interior or exterior blocking,
3 bracing, cushioning, weatherproofing, exterior strapping, coatings,
4 closures, inks, and labels.

5 NEW SECTION. **Sec. 121.** (1) By July 1, 1993, no package or
6 packaging component may be offered for sale or for promotional purposes
7 by its manufacturer or distributor in the state of Washington, that
8 includes, in the package itself or in any packaging component, inks,
9 dyes, pigments, adhesives, stabilizers, or any other additives,
10 containing lead, cadmium, mercury, or hexavalent chromium in excess of
11 the amounts allowed under subsection (3) of this section.

12 (2) By July 1, 1993, no product may be offered for sale or for
13 promotional purposes by its manufacturer or distributor in the state of
14 Washington in a package that includes, in the package itself or in any
15 of its packaging components, inks, dyes, pigments, adhesives,
16 stabilizers, or any other additives, containing any lead, cadmium,
17 mercury, or hexavalent chromium in excess of the amount allowed under
18 subsection (3) of this section.

19 (3) The sum of the concentration levels of lead, cadmium, mercury,
20 and hexavalent chromium present in any product, package, or packaging
21 component shall not exceed the following:

22 (a) 600 parts per million by weight effective two years after the
23 effective date of this section;

24 (b) 250 parts per million by weight effective three years after the
25 effective date of this section; and

26 (c) 100 parts per million by weight effective four years after the
27 effective date of this section.

28 This subsection shall apply to lead, cadmium, mercury, and
29 hexavalent chromium that has been intentionally introduced as an

1 element during manufacturing or distribution as opposed to the
2 incidental presence of any of these elements.

3 NEW SECTION. **Sec. 122.** All packages and packaging components
4 shall be subject to this chapter except the following:

5 (1) Those packages or package components with a code indicating
6 date of manufacture that were manufactured prior to the effective date
7 of this section;

8 (2) Those packages or packaging components that have been purchased
9 by, delivered to, or are possessed by a retailer on or before twenty-
10 four months following the effective date of this section to permit
11 opportunity to clear existing inventory of the proscribed packaging
12 material;

13 (3) Those packages or packaging components to which lead, cadmium,
14 mercury, or hexavalent chromium have been added in the manufacturing,
15 forming, printing, or distribution process in order to comply with
16 health or safety requirements of federal law or for which there is no
17 feasible alternative; or

18 (4) Packages and packaging components that would not exceed the
19 maximum contaminant levels set forth in section 121(3) of this act but
20 for the addition of postconsumer materials; and provided that the
21 exemption for this subsection shall expire six years after the
22 effective date of this section.

23 NEW SECTION. **Sec. 123.** By July 1, 1993, a certificate of
24 compliance stating that a package or packaging component is in
25 compliance with the requirements of this chapter shall be developed by
26 its manufacturer, provided, however, where compliance is achieved under
27 the exemption or exemptions provided in section 122 (3) or (4) of this
28 act, the certificate shall state the specific basis upon which the

1 exemption is claimed. The certificate of compliance shall be signed by
2 an authorized official of the manufacturing company. The certificate
3 of compliance shall be kept on file by the manufacturer for as long as
4 the package or packaging component is in use, and for three years from
5 the date of the last sale or distribution by the manufacturer.
6 Certificates of compliance, or copies thereof, shall be furnished to
7 the department of ecology upon request within sixty days. If
8 manufacturers are required under any other state statute to provide a
9 certificate of compliance, one certificate may be developed containing
10 all required information.

11 If the manufacturer or supplier of the package or packaging
12 component reformulates or creates a new package or packaging component,
13 the manufacturer shall develop an amended or new certificate of
14 compliance for the reformulated or new package or packaging component.

15 NEW SECTION. **Sec. 124.** Requests from a member of the public for
16 any certificate of compliance shall be:

17 (1) Made in writing to the department of ecology;

18 (2) Made specific as to package or packaging component information
19 requested; and

20 (3) Responded to by the department of ecology within ninety days.

21 NEW SECTION. **Sec. 125.** The department of ecology may suspend
22 the sale of any package for which a manufacturer has failed to respond
23 to a request by the department for a certificate of compliance within
24 the allotted period of time pursuant to section 123 of this act.

25 NEW SECTION. **Sec. 126.** The solid waste advisory committee
26 created under chapter 70.95 RCW shall review the effectiveness of this
27 chapter in its third annual report to the legislature. The report

1 shall contain recommendations to add other toxic substances contained
2 in packaging to the list set forth in this chapter, including but not
3 limited to mutagens, carcinogens, and teratogens, in order to further
4 reduce the toxicity of packaging waste, and shall contain a
5 recommendation regarding imposition of penalty for violation of section
6 121 of this act, and shall contain a recommendation whether to continue
7 the recycling exemption as it is provided for in section 122 of this
8 act.

9 **Sec. 127.** RCW 70.95C.120 and 1989 c 431 s 54 are each amended to
10 read as follows:

11 The office of waste reduction shall develop, in consultation with
12 the superintendent of public instruction, an awards program to achieve
13 waste reduction and recycling in the public schools, grades
14 kindergarten through high school. The office shall develop guidelines
15 for program development and implementation. Each public school shall
16 implement a waste reduction and recycling program conforming to
17 guidelines developed by the office.

18 For the purpose of granting awards, the office may group schools
19 into not more than three classes, based upon student population,
20 distance to markets for recyclable materials, and other criteria, as
21 deemed appropriate by the office. Except as otherwise provided, five
22 or more awards shall be granted to each of the three classes. Each
23 award shall be a sum of not less than two thousand dollars nor more
24 than five thousand dollars. Awards shall be granted each year to the
25 schools that achieve the greatest levels of waste reduction and
26 recycling. ~~((Each))~~ A single award ~~((shall be of a sum))~~ of not less
27 than ~~((ten))~~ five thousand dollars shall be presented to the school
28 having the best recycling program as determined by the office. A
29 single award of not less than five thousand dollars shall be presented

1 to the school having the best waste reduction program as determined by
2 the office. (~~(The office shall also develop recommendations for an~~
3 ~~awards program for waste reduction in the public schools. The office~~
4 ~~shall submit these recommendations to the appropriate standing~~
5 ~~committees in the house of representatives and senate on or before~~
6 ~~November 30, 1989.)~~)

7 The superintendent of public instruction shall distribute
8 guidelines and other materials developed by the office to implement
9 programs to reduce and recycle waste generated in administrative
10 offices, classrooms, laboratories, cafeterias, and maintenance
11 operations.

12 NEW SECTION. Sec. 128. Claims made on a package, or in any
13 advertising about the package, that the package is environmentally
14 benign and the specific reason for that claim shall be printed next to
15 the claim in letters at least as large as the claim or advertisement.
16 Packages shall be made of at least twenty-five percent postconsumer
17 recovered material measured by weight if an advertisement states that
18 a package is made from recovered or recycled material. Alternately, a
19 package may carry a statement identifying the percent of recovered
20 material measured by weight. This section shall be superseded by more
21 stringent federal regulations if any are enacted.

22 NEW SECTION. Sec. 129. (1)(a) By July 1, 1993, all packages
23 manufactured, sold, or distributed in this state shall contain
24 postconsumer recovered materials in amounts at least as great as the
25 levels set by the packaging subcommittee of the state solid waste
26 advisory committee.

1 (b) A package that satisfies one or more of the following criterion
2 shall be exempt from the requirements imposed under this section. A
3 package:

4 (i) That has been used five times in the same or a substantially
5 similar distribution system;

6 (ii) For which the manufacturer demonstrates that waste reduction
7 or source reduction necessitates use of virgin materials;

8 (iii) For which there is an inadequate supply of postconsumer
9 recycled materials; or

10 (iv) That is prohibited by state rules or federal regulations from
11 incorporating postconsumer recovered materials in its manufacture.

12 (c) In granting exemptions the department of ecology may consider
13 a manufacturer's total system use of postconsumer recovered materials.

14 (d) In granting exemptions the department of ecology may consider
15 the waste reduction elements of the design and manufacture of products
16 and packages.

17 (2) By July 1, 1993, a certificate of compliance stating that a
18 package or packaging component is in compliance with the requirements
19 of this chapter shall be developed by its manufacturer, and shall
20 identify the amount of postconsumer recovered material measured by
21 weight and expressed as a percent of total package weight, except that,
22 where compliance is achieved under the exemptions provided in
23 subsection (1) of this section, the certificate shall state the
24 specific basis upon which the exemption is claimed. If the amount of
25 postconsumer recovered material varies from batch to batch, the
26 certificate shall state the average annual content amount. The
27 certificate shall be signed by an authorized official of the
28 manufacturing company. The certificate shall be kept on file by the
29 manufacturer for as long as the package or packaging component is in
30 use, and for three years from the date of the last sale or distribution

1 by the manufacturer. Certificates of compliance, or copies thereof,
2 shall be furnished to the department of ecology upon request within
3 thirty days.

4 If the manufacturer or supplier of the package or packaging
5 component reformulates or creates a new package or packaging component,
6 the manufacturer shall develop an amended or new certificate of
7 compliance for the reformulated or new package or packaging component.

8 (3) If manufacturers are required under any other state law to
9 provide a certificate of compliance, one certificate may be developed
10 containing all required information.

11 NEW SECTION. **Sec. 130.** Requests from a member of the public for
12 any certificate of compliance shall be:

13 (1) Made in writing to the department of ecology;

14 (2) Made specific as to package or packaging component information
15 requested; and

16 (3) Responded to by the department of ecology within ninety days.

17 NEW SECTION. **Sec. 131.** The department of ecology may suspend
18 the sale of any package for which a manufacturer has failed to respond
19 to a request by the department for a certificate of compliance within
20 the allotted period of time pursuant to section 130 of this act.

21 NEW SECTION. **Sec. 132.** Sections 110 through 115 of this act
22 shall constitute a new chapter in Title 70 RCW.

23 NEW SECTION. **Sec. 133.** Sections 116 through 118 of this act
24 shall constitute a new chapter in Title 70 RCW.

1 NEW SECTION. **Sec. 202.** DEFINITIONS. Unless the context
2 clearly requires otherwise, the definitions in this section apply
3 throughout this chapter.

4 (1) "Board" means the board of directors of the center.

5 (2) "Center" means the clean Washington center.

6 (3) "End user" means a commercial or industrial entity that
7 manufacturers new, finished products.

8 (4) "Work plan" means the annual plan developed by the center.

9 (5) "Market development" means expanding the use of postconsumer
10 recyclable materials by commercial and industrial entities for the
11 manufacture of new, finished products.

12 NEW SECTION. **Sec. 203.** BOARD MEMBERSHIP. (1) There is
13 established the clean Washington center board within the department of
14 trade and economic development to consist of eleven members. Except as
15 otherwise provided, board members shall be appointed by the governor as
16 follows:

17 (a) Two members to represent the legislature, one member appointed
18 by the speaker of the house of representatives and one member appointed
19 by the president of the senate;

20 (b) Two members to represent local government;

21 (c) Six private sector members to represent the end users and
22 marketers of postconsumer recovered materials;

23 (d) The directors of the departments of trade and economic
24 development and ecology shall represent the executive branch as ex
25 officio members.

26 (2) Members representing the legislature and local government shall
27 serve two-year renewable terms; members representing the private sector
28 shall serve three-year renewable terms. Vacancies shall be filled by
29 the chair with majority consent from the board.

1 (3) Members, exclusive of those representing the legislative or
2 executive branches, shall be reimbursed for travel expenses as provided
3 in RCW 43.03.050 and 43.03.060.

4 (4) The chair shall be selected from among the members by a simple
5 majority vote.

6 NEW SECTION. **Sec. 204.** POWERS. In order to carry out its
7 responsibilities under this chapter, the center may:

8 (1) Receive such gifts, grants, funds, fees, and endowments, in
9 trust or otherwise, for the use and benefit of the purposes of the
10 center. The center may expend the same or any income therefrom
11 according to the terms of the gifts, grants, or endowments;

12 (2) Obtain and disseminate information relating to market
13 development for recyclable materials from other state and local
14 agencies;

15 (3) Enter into, amend, and terminate contracts with individuals,
16 corporations, or research institutions for the purposes of this
17 chapter;

18 (4) Provide grants to local governments and nonprofit
19 organizations;

20 (5) Evaluate, analyze, and make recommendations on state policies
21 that may affect markets for recyclable materials; and

22 (6) Adopt and exercise bylaws for the regulation of business for
23 the purposes of this chapter.

24 NEW SECTION. **Sec. 205.** DUTIES. The center shall:

25 (1) Develop an annual work plan. The plan shall describe actions
26 and recommendations for developing markets for commodities comprising
27 a significant percentage of the waste stream and having potential for
28 use as an industrial or commercial feedstock. The plan shall specify

1 amounts, types, sources, and end uses of recycled material targeted for
2 remanufacture, and shall show the budgeted expenses associated with
3 each commodity. The initial plan shall, at a minimum, address mixed
4 waste paper, yard and food waste, and plastics. The center shall
5 submit its annual work plan to the legislature by December 1st of each
6 year;

7 (2) Provide business and marketing assistance, as requested, to
8 private sector entities within the state;

9 (3) Conduct appropriate public hearings and otherwise seek to
10 broadly disseminate information concerning market development for
11 recyclable materials;

12 (4) Represent the state in market development issues at the local,
13 regional, and national levels; and

14 (5) Initiate, conduct, or contract for studies and searches
15 relating to market development for recyclable materials, including but
16 not limited to applied research, technology transfer, and pilot
17 demonstration projects.

18 NEW SECTION. **Sec. 206.** (1) If development of an end user
19 requires additional material from any sector that is not readily
20 available in the marketplace, the clean Washington center shall inform
21 the department of ecology of the amount and type of material that is
22 needed, as well as any other pertinent specifications. The department
23 of ecology shall develop a business plan for collecting the needed
24 material that is consistent with state and local solid waste management
25 plans under chapter 70.95 RCW. The plan shall show the most efficient,
26 least expensive way to collect the necessary material, and shall show
27 the costs of related collection programs.

28 (2) Funds for the capitalization or operation of collection
29 programs may be granted by the clean Washington center to the

1 department of ecology. The department of ecology shall enter into
2 contracts and make grants for the purpose of collecting needed
3 materials, or providing funds to local governments for collection of
4 materials requiring subsidy. The clean Washington center shall not
5 enter into contracts and shall not make grants for the purpose of
6 collecting materials on behalf of end users.

7 (3) Ecology staff responsible for entering into contracts or making
8 grants for the purpose of collecting postconsumer materials shall be
9 collocated with the clean Washington center, to the extent practical.

10 NEW SECTION. **Sec. 207.** ADVISORY COMMITTEES. The board may
11 appoint advisory committees to assist in the development or
12 implementation of the work plan.

13 NEW SECTION. **Sec. 208.** CAPTIONS NOT LAW. Section headings as
14 used in this chapter do not constitute any part of the law.

15 NEW SECTION. **Sec. 209.** A new section is added to chapter 43.131
16 RCW to read as follows:

17 The clean Washington center and its powers and duties shall be
18 terminated on June 30, 1995, as provided in section 210 of this act.

19 NEW SECTION. **Sec. 210.** A new section is added to chapter 43.131
20 RCW to read as follows:

21 The following acts or parts of acts, as now existing or hereafter
22 amended, are each repealed, effective June 30, 1996:

- 23 (1) RCW 70.---.--- and 1991 c ---, s 201 (section 201 of this act);
- 24 (2) RCW 70.---.--- and 1991 c ---, s 202 (section 202 of this act);
- 25 (3) RCW 70.---.--- and 1991 c ---, s 203 (section 203 of this act);
- 26 (4) RCW 70.---.--- and 1991 c ---, s 204 (section 204 of this act);

- 1 (5) RCW 70.----.--- and 1991 c ---, s 205 (section 205 of this act);
2 (6) RCW 70.----.--- and 1991 c ---, s 206 (section 206 of this act);
3 (7) RCW 70.----.--- and 1991 c ---, s 207 (section 207 of this act);
4 and
5 (8) RCW 70.----.--- and 1991 c ---, s 208 (section 208 of this act).

6 **Sec. 211.** RCW 43.31.545 and 1989 c 431 s 64 are each amended to
7 read as follows:

8 (1) The department is the lead state agency to assist in
9 establishing and improving markets for recyclable materials generated
10 in the state. This priority on creating and expanding a recyclables
11 market should be fully integrated into the current targeted sector
12 marketing programs of the department. In carrying out these marketing
13 responsibilities, the department shall work closely with the office of
14 waste reduction in the department of ecology.

15 (2) The department of trade and economic development, with the
16 assistance of the department of ecology (~~and the committee for~~
17 ~~recycling markets created by RCW 43.31.552,~~) shall develop programs to
18 accomplish the following:

19 (a) Develop new markets inside and outside this state for recycled
20 materials;

21 (b) Attract new businesses to this state whose purpose is to use
22 recycled materials;

23 (c) Educate businesses and consumers about the high quality of
24 Washington recycled materials;

25 (d) Promote business and consumer use of products made from
26 recycled materials;

27 (e) Provide technical market assistance to businesses and local
28 governments;

1 (f) Cooperate with and secure the cooperation of any department,
2 agency, commission, or instrumentality in state or local government
3 affected by or concerned with market development; and

4 (g) Create and maintain a list of recyclers, collectors, and other
5 persons or entities interested in the development of markets for
6 recycling and solicit the opinions of those persons with respect to
7 market development.

8 NEW SECTION. **Sec. 212.** The following acts or parts of acts are
9 each repealed:

10 (1) RCW 43.31.552 and 1989 c 431 s 100;

11 (2) RCW 43.31.554 and 1989 c 431 s 101; and

12 (3) RCW 43.31.556 and 1990 c 127 s 1 & 1989 c 431 s 102.

13 NEW SECTION. **Sec. 213.** Sections 201 through 208 of this act
14 shall constitute a new chapter in Title 70 RCW.

15 PART III

16 USED OIL RECYCLING

17 NEW SECTION. **Sec. 301.** INTENT. (1) The legislature finds
18 that:

19 (a) Millions of gallons of used oil are generated each year in this
20 state, and used oil is a valuable petroleum resource that can be
21 recycled;

22 (b) The improper collection, transportation, recycling, use, or
23 disposal of used oil contributes to the pollution of air, water, and
24 land, and endangers public health and welfare;

1 (c) The private sector is a vital resource in the collection and
2 recycling of used oil and should be involved in its collection and
3 recycling whenever practicable.

4 (2) In light of the harmful consequences of improper disposal and
5 use of used oil, and its value as a resource, the legislature declares
6 that the collection, recycling, and reuse of used oil is in the public
7 interest.

8 (3) The department, when appropriate, should promote the rerefining
9 of used oil in its grants, public education, regulatory, and other
10 programs.

11 NEW SECTION. **Sec. 302.** DEFINITIONS. Unless the context
12 clearly requires otherwise, the definitions in this section apply
13 throughout this chapter.

14 (1) "Rerefining used oil" means the reclaiming of base lube stock
15 from used oil for use again in the production of lube stock.
16 Rerefining used oil does not mean combustion or landfilling.

17 (2) "Used oil" means: (a) Lubricating fluids that have been
18 removed from an engine crankcase, transmission, gearbox, hydraulic
19 device, or differential of an automobile, bus, truck, vessel, plane,
20 heavy equipment, or machinery powered by an internal combustion engine;
21 (b) any oil that has been refined from crude oil, used, and as a result
22 of use, has been contaminated with physical or chemical impurities; and
23 (c) any oil that has been refined from crude oil and, as a consequence
24 of extended storage, spillage, or contamination, is no longer useful to
25 the original purchaser.

26 (3) "Public used oil collection site" means a site where a used oil
27 collection tank has been placed for the purpose of collecting household
28 generated used oil. "Public used oil collection site" also means a
29 vehicle designed or operated to collect used oil from the public.

1 (4) "Lubricating oil" means any oil designed for use in, or
2 maintenance of, a vehicle, including, but not limited to, motor oil,
3 gear oil, and hydraulic oil. "Lubricating oil" does not mean petroleum
4 hydrocarbons with a flash point below one hundred degrees Centigrade.

5 (5) "Vehicle" includes every device physically capable of being
6 moved upon a public or private highway, road, street, watercourse, or
7 trail, and in, upon, or by which any person or property is or may be
8 transported or drawn upon a public or private highway, road, street,
9 watercourse, or trail, except devices moved by human or animal power.

10 (6) "Department" means the department of ecology.

11 (7) "Local government" means a city or county developing a local
12 hazardous waste plan under RCW 70.105.220.

13 NEW SECTION. **Sec. 303.** PUBLIC USED OIL COLLECTION. (1) Each
14 local government and its local hazardous waste plan is required under
15 RCW 70.105.220 to include a used oil recycling element. This element
16 shall include:

17 (a) A plan to reach the local goals for household used oil
18 recycling established by the local government and the department under
19 section 304 of this act. The plan shall, to the maximum extent
20 possible, incorporate voluntary agreements with the private sector and
21 state agencies to provide sites for the collection of used oil. Where
22 provided, the plan shall also incorporate residential collection of
23 used oil;

24 (b) A plan for enforcing the sign and container ordinances required
25 by section 305 of this act;

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

27 (d) An estimate of funding needed to implement the requirements of
28 this chapter. This estimate shall include a budget reserve for

1 disposal of contaminated oil detected at any public used oil collection
2 site administered by the local government.

3 (2) By July 1, 1993, each local government or combination of
4 contiguous local governments shall submit its used oil recycling
5 element to the department. The department shall approve or disapprove
6 the used oil recycling element if it determines that the element is
7 consistent with this chapter and the guidelines developed by the
8 department under section 304 of this act.

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

15 NEW SECTION. **Sec. 304.** RECYCLING GOALS. (1) By July 1, 1992, the
16 department shall, in conjunction with local governments, prepare
17 guidelines for the used oil recycling elements required by section 303
18 of this act. The guidelines shall:

19 (a) Require development of local collection and rerefining goals
20 for household used oil for each entity preparing a used oil recycling
21 element under section 302 of this act;

22 (b) Require local government to recommend the number of used oil
23 collection sites needed to meet the local goals. The department shall
24 establish criteria regarding minimum levels of used oil collection
25 sites;

26 (c) Require local government to identify locations suitable as
27 public used oil collection sites as described under section 303(1)(a)
28 of this act.

1 (2) The department may waive all or part of the specific
2 requirements of section 303 of this act if a local government
3 demonstrates to the satisfaction of the department that the objectives
4 of this chapter have been met.

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

8 (4) The department shall develop state-wide collection and
9 rerefining goals for household used oil for each calendar year
10 beginning with calendar year 1994. Goals shall be based on the
11 estimated state-wide collection and rerefining rate for calendar year
12 1993, and shall increase each year until calendar year 1996, when the
13 rate shall be eighty percent.

14 (5) By July 1, 1993, the department shall prepare guidelines
15 establishing state-wide equipment and operating standards for public
16 used oil collection sites. Standards shall:

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

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

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

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

23 (e) Include other requirements deemed appropriate by the
24 department.

25 NEW SECTION. **Sec. 305.** SIGNS AND CONTAINERS. (1) A person
26 annually selling one thousand or more gallons of lubricating oil to
27 ultimate consumers for use or installation off the premises, or five
28 hundred or more vehicle oil filters to ultimate consumers for use or

1 installation off the premises within a city or county having an
2 approved used oil recycling element, shall:

3 (a) Post and maintain at or near the point of sale, durable and
4 legible signs informing the public of the importance of used oil
5 recycling and how and where used oil may be properly recycled,
6 including locations and hours of operation of nearby public used oil
7 collection sites; and

8 (b) Provide for sale at or near the display location of the
9 lubricating oil or vehicle oil filters, household used oil recycling
10 containers. The department shall design and print the signs required by
11 this section, and shall make them available to local governments and
12 retail outlets.

13 (2) A person, who, after notice, violates this section is guilty of
14 a misdemeanor and on conviction is subject to a fine not to exceed one
15 thousand dollars.

16 (3) The department is responsible for notifying retailers subject
17 to this section.

18 (4) A city or county may adopt household used oil recycling
19 container standards in order to ensure compatibility with local
20 recycling programs.

21 (5) Each local government preparing a used oil recycling element
22 of a local hazardous waste plan pursuant to section 303 of this act
23 shall adopt ordinances within its jurisdiction to enforce subsections
24 (1) and (4) of this section.

25 NEW SECTION. **Sec. 306.** STATE-WIDE EDUCATION. The department shall
26 conduct a public education program to inform the public of the needs
27 for and benefits of collecting and recycling used oil in order to
28 conserve resources and protect the environment. As part of this
29 program, the department shall:

1 (1) Establish and maintain a state-wide list of public used oil
2 collection sites, and a list of all persons coordinating local
3 government used oil programs;

4 (2) Establish a state-wide media campaign describing used oil
5 recycling;

6 (3) Assist local governments in providing public education and
7 awareness programs concerning used oil by providing technical
8 assistance and education materials; and

9 (4) Encourage the establishment of voluntary used oil collection
10 and recycling programs, including public-private partnerships, and
11 provide technical assistance to persons organizing such programs.

12 NEW SECTION. **Sec. 307.** DISPOSAL OF USED OIL. (1) Effective
13 January 1, 1992, the use of used oil for dust suppression or weed
14 abatement is prohibited.

15 (2) Effective July 1, 1992, no person may sell or distribute
16 absorbent based kits as a means for collecting, recycling, or disposing
17 of used oil.

18 (3) Effective January 1, 1994, no person may knowingly dispose of
19 used oil except by delivery to a person collecting used oil for
20 recycling, treatment, or disposal, subject to the provisions of this
21 chapter and chapter 70.105 RCW.

22 (4) Effective January 1, 1994, no owner or operator of a solid
23 waste landfill may knowingly accept used oil for disposal in the
24 landfill.

25 (5) A person who violates this section is guilty of a misdemeanor.

26 NEW SECTION. **Sec. 308.** USED OIL TRANSPORTER AND PROCESSOR
27 REQUIREMENTS. (1) By January 1, 1993, the department shall adopt
28 rules requiring any transporter of used oil to comply with minimum

1 notification, invoicing, recordkeeping, and reporting requirements.
2 For the purpose of this section, a transporter means a person engaged
3 in the off-site transportation of used oil in quantities greater than
4 twenty-five gallons per day.

5 (2) By January 1, 1993, the department shall adopt minimum
6 standards for used oil that is blended into fuels. Standards shall, at
7 a minimum, establish testing and recordkeeping requirements. Unless
8 otherwise exempted, a processor is any person involved in the
9 marketing, blending, mixing, or processing of used oil to produce fuel
10 to be burned for energy recovery.

11 (3) Any person who knowingly transports used oil without meeting
12 the requirements of this section shall be subject to civil penalties
13 under chapter 70.105 RCW.

14 NEW SECTION. **Sec. 309.** CAPTIONS NOT LAW. Section headings as
15 used in this chapter do not constitute any part of the law.

16 NEW SECTION. **Sec. 310.** SHORT TITLE. This chapter shall be
17 known and may be cited as the used oil recycling act.

18 NEW SECTION. **Sec. 311.** A new section is added to chapter 70.94
19 RCW to read as follows:

20 MARKET DEVELOPMENT--BURNING USED OIL FUEL IN LAND-BASED
21 FACILITIES. (1) Except as provided in subsection (2) of this
22 section, a person may not burn used oil as fuel in a land-based
23 facility or in state waters unless the used oil meets the following
24 standards:

25 (a) Cadmium: 2 ppm maximum

26 (b) Chromium: 10 ppm maximum

27 (c) Lead: 100 ppm maximum

- 1 (d) Arsenic: 5 ppm maximum
- 2 (e) Total halogens: 1000 ppm maximum
- 3 (f) Polychlorinated biphenyls: 2 ppm maximum
- 4 (g) Ash: .1 percent maximum
- 5 (h) Sulfur: 1.0 percent maximum
- 6 (i) Flash point: 100 degrees Fahrenheit minimum.

7 (2) This section shall not apply to: (a) Used oil burned in space
8 heaters if the space heater has a maximum heat output of not greater
9 than 0.5 million btu's per hour or used oil burned in facilities
10 permitted by the department or a local air pollution control authority;
11 or (b) ocean-going vessels.

12 NEW SECTION. **Sec. 312.** A new section is added to chapter 70.105
13 RCW to read as follows:

14 Local governments and combinations of local governments shall amend
15 their local hazardous waste plans required under RCW 70.105.220 to
16 comply with section 303 of this act.

17 NEW SECTION. **Sec. 313.** The following acts or parts of acts are
18 each repealed:

- 19 (1) RCW 19.114.010 and 1983 c 137 s 1;
- 20 (2) RCW 19.114.020 and 1983 c 137 s 2;
- 21 (3) RCW 19.114.030 and 1983 c 137 s 3; and
- 22 (4) RCW 19.114.900 and 1983 c 137 s 5.

23 NEW SECTION. **Sec. 314.** RCW 19.114.040 is recodified as a
24 section in chapter 70.-- RCW (sections 301 through 310 of this act).

25 NEW SECTION. **Sec. 315.** Sections 301 through 310 of this act
26 shall constitute a new chapter in Title 70 RCW.

PART IV

MISCELLANEOUS

NEW SECTION. **Sec. 401.** Part headings as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 402.** The sum of dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the clean Washington account to the department of trade and economic development for the purposes of assisting business develop markets for recyclable materials.

NEW SECTION. **Sec. 403.** The sum of dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the clean Washington account to the department of ecology for the purpose of implementing sections 110 through 126 of this act.

Sec. 404. RCW 70.95.040 and 1987 c 115 s 1 are each amended to read as follows:

(1) There is created a solid waste advisory committee to provide consultation to the department of ecology concerning matters covered by this chapter. The committee shall advise on the development of programs and regulations for solid and dangerous waste handling, resource recovery, and recycling, and shall supply recommendations concerning methods by which existing solid and dangerous waste handling, resource recovery, and recycling practices and the laws authorizing them may be supplemented and improved.

(2) The committee shall consist of at least eleven members, including the assistant director for (~~the division of solid~~) waste

1 management programs within the department. The director shall appoint
2 ((ten)) members with due regard to the interests of the public, local
3 government, tribes, agriculture, industry, public health, recycling
4 industries, and the refuse removal and resource recovery industries.
5 (~~The director shall include among his ten appointees representatives~~
6 ~~of activities from which dangerous wastes arise and the Washington~~
7 ~~state patrol's hazardous materials technical advisory committee.~~) The
8 term of appointment shall be determined by the director. The committee
9 shall elect its own ((chairman)) chair and meet at least four times a
10 year, in accordance with such rules of procedure as it shall establish.
11 Members shall receive no compensation for their services but shall be
12 reimbursed their travel expenses while engaged in business of the
13 committee in accordance with RCW 43.03.050 and 43.03.060 as now
14 existing or hereafter amended.

15 (3) The committee shall each year recommend to the governor a
16 recipient for a "governor's award of excellence" which the governor
17 shall award for outstanding achievement by an industry, company, or
18 individual in the area of hazardous waste or solid waste management.

19 NEW SECTION. Sec. 405. A new section is added to chapter 82.04
20 RCW to read as follows:

21 A refundable deposit rebated to a purchaser shall be deducted from
22 the selling price and excluded from gross income for tax purposes. For
23 the purposes of this chapter, "refundable deposit" means an amount that
24 is collected by the seller at the time of sale with the understanding
25 that the amount shall be deemed to be security to ensure the return of
26 reusable or recyclable materials or packaging and that will be rebated
27 or credited to the purchaser when a substantially similar reusable or
28 recyclable material or packaging is returned to the seller.

1 NEW SECTION. **Sec. 406.** A new section is added to chapter 82.04
2 RCW to read as follows:

3 If a seller has rebated or credited a refundable deposit to a
4 purchaser upon return of substantially similar reusable or recyclable
5 materials or packaging, the seller shall deduct an amount equal to the
6 deposit actually rebated or credited from gross proceeds of sales in
7 computing tax liability on the reusable or recyclable materials or
8 packaging.

9 NEW SECTION. **Sec. 407.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 408.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of the
15 state government and its existing public institutions, and shall take
16 effect immediately.