

## CHAPTER 101

[Substitute Senate Bill No. 2038]  
HAZARDOUS WASTE DISPOSAL

AN ACT Relating to hazardous wastes; adding a new chapter to Title 70 RCW; defining crimes; prescribing penalties; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. The words and phrases defined in this section shall have the meanings indicated when used in this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of ecology.
- (2) "Director" means the director of the department of ecology or his designee.
- (3) "Disposal site" means a geographical site in or upon which extremely hazardous wastes are disposed of in accordance with the provisions of this chapter.
- (4) "Dispose or disposal" means the discarding or abandoning of extremely hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned.
- (5) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:
  - (a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or
  - (b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.
- (6) "Extremely hazardous waste" means any dangerous waste which
  - (a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form
    - (i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife, and
    - (ii) is highly toxic to man or wildlife
  - (b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.
- (7) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.
- (8) "Pesticide" shall have the meaning of the term as defined in RCW 15.58-.030 as now or hereafter amended.
- (9) "Solid waste advisory committee" means the same advisory committee as per RCW 70.95.040 through 70.95.070.

**NEW SECTION.** Sec. 2. The department after notice and public hearing shall:

(1) Adopt regulations designating as extremely hazardous wastes subject to the provisions of this chapter those substances which exhibit characteristics consistent with the definition provided in section 1(6) of this act;

(2) Adopt and may revise when appropriate, minimum standards and regulations for disposal of extremely hazardous wastes to protect against hazards to the public, and to the environment. Before adoption of such standards and regulations, the department shall consult with appropriate agencies of interested local governments and secure technical assistance from the department of agriculture, the department of social and health services, the department of game, the department of natural resources, the department of fisheries, the department of labor and industries, and the state fire marshal.

NEW SECTION. Sec. 3. (1) After the effective date of the regulations adopted by the department designating extremely hazardous wastes, any person planning to dispose of extremely hazardous waste as designated by the department shall provide the operator of the disposal site with a list setting forth the extremely hazardous wastes for disposal, the amount of such wastes, the general chemical and mineral composition of such waste listed by approximate maximum and minimum percentages, and the origin of any such waste. Such list, when appropriate, shall include information on antidotes, first aid, or safety measures to be taken in case of accidental contact with the particular extremely hazardous waste being disposed.

(2) The department shall adopt and enforce all rules and regulations including the form and content of the list, necessary and appropriate to accomplish the purposes of subsection (1) of this section.

NEW SECTION. Sec. 4. (1) The department through the department of general administration, is authorized to acquire interests in real property from the federal government on the Hanford Reservation by gift, purchase, lease, or other means, to be used for the purpose of developing, operating, and maintaining an extremely hazardous waste disposal site or facility by the department, either directly or by agreement with public or private persons or entities: PROVIDED, That lands acquired under this section shall not be inconsistent with a local comprehensive plan approved prior to January 1, 1976: AND PROVIDED FURTHER, That no lands acquired under this section shall be subject to land use regulation by a local government.

(2) The department may establish an appropriate fee schedule for use of such disposal facilities to offset the cost of administration of this chapter and the cost of development, operation, maintenance, and perpetual management of the disposal site. If operated by a private entity, the disposal fee may be such as to provide a reasonable profit.

NEW SECTION. Sec. 5. No person shall dispose of designated extremely hazardous wastes at any disposal site in the state other than the disposal site established and approved for such purpose under provisions of this chapter, except when such wastes are going to a processing facility which will result in the waste being reclaimed, treated, detoxified, neutralized, or otherwise processed to remove its harmful properties or characteristics.

NEW SECTION. Sec. 6. All rules, regulations, criteria, and fee schedules adopted by the department to implement the provisions of this chapter shall be reviewed by the solid waste advisory committee for the purpose of recommending revisions, additions, or modifications thereto as provided for the review of solid waste regulations and standards pursuant to chapter 70.95 RCW.

NEW SECTION. Sec. 7. The department may elect to receive dangerous waste at the site provided under this chapter, provided

(1) it is upon request of the owner, producer, or person having custody of the waste, and

(2) upon the payment of a fee to cover disposal

(3) it can be reasonably demonstrated that there is no other disposal sites in the state that will handle such dangerous waste, and

(4) the site is designed to handle such a request or can be modified to the extent necessary to adequately dispose of the waste, or

(5) if a demonstrable emergency and potential threat to the public health and safety exists.

NEW SECTION. Sec. 8. (1) Every person who fails to comply with any provision of sections 1 through 9 of this act or of the rules adopted thereunder shall be subjected to a penalty in an amount of not more than one thousand dollars per day for every such violation. Each and every such violation shall be a separate and distinct offense. In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.

(2) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department of ecology shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper. Any penalty imposed by the provisions of this section shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

(3) Any penalty imposed by this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or petition for review by the hearings board is filed. When such an application for remission or mitigation is made, any penalty incurred pursuant to this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application. Any penalty resulting from a decision of the hearings board shall become due and payable thirty days after receipt of the notice setting forth the decision.

(4) If the amount of any penalty is not paid to the department of ecology within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which such violator may do business, to recover such penalty. In all such actions, the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided.

NEW SECTION. Sec. 9. In addition to the penalties imposed pursuant to section 8 of this act, any person who violates any provisions of sections 1 through 9 of this act, or of the rules implementing sections 1 through 9 of this act, and any person who knowingly aids or abets another in conducting any violation of any provisions of sections 1 through 9 of this act, or of the rules implementing sections 1 through 9 of this act, shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, for each separate violation.

NEW SECTION. Sec. 10. The department in performing its duties under this chapter may:

(1) Conduct studies and coordinate research programs pertaining to extremely hazardous waste management;

(2) Render technical assistance to generators of dangerous and extremely hazardous wastes and to state and local agencies in the planning and operation of hazardous waste programs;

(3) Encourage and provide technical assistance to waste generators to form and operate a "waste exchange" for the purpose of finding users for dangerous and extremely hazardous wastes that would otherwise be disposed of: PROVIDED, That such technical assistance shall not violate the confidentiality of manufacturing processes; and

(4) Provide for appropriate surveillance and monitoring of extremely hazardous waste disposal practices in the state.

NEW SECTION. Sec. 11. (1) Nothing in this act shall apply to any radioactive waste or radioactive material.

(2) Nothing in this chapter shall alter, amend, or supersede the provisions of chapter 80.50 RCW, as now existing or hereafter amended, or grant to the department or to the solid waste advisory committee any authority regarding the regulation, certification, construction, or siting of thermal power plants, as defined in such acts.

NEW SECTION. Sec. 12. There is appropriated to the department of ecology from the state and local improvements revolving account of the general fund out of the proceeds of the sale of bonds or notes as authorized in chapter 43.83A RCW (Referendum 26) the sum of one million three hundred fifty-three thousand dollars, or as much thereof as may be necessary, for the following purposes:

(1) The sum of one hundred fifty-three thousand dollars for the department to develop a comprehensive plan for the adequate treatment of extremely hazardous

wastes being generated in the state, and the techniques and requirements necessary for adequately disposing of such wastes and for securing and monitoring disposal sites. The objective of such a comprehensive plan shall be to determine the statewide facility requirements for the adequate disposal of extremely hazardous wastes being generated in the state and for those expected to be generated in the future.

(2) The sum of one million two hundred thousand dollars for the purchase of real property on the Hanford Reservation by the department for the construction of a disposal site for extremely hazardous wastes and for the construction of facilities necessary for the operation of the disposal site including, but not limited to, security and monitoring facilities.

NEW SECTION. Sec. 13. Sections 1 through 11 of this act shall constitute a new chapter in Title 70 RCW.

Passed the Senate March 10, 1976.

Passed the House March 6, 1976.

Approved by the Governor March 16, 1976.

Filed in Office of Secretary of State March 16, 1976.

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## CHAPTER 102

[Engrossed Senate Bill No. 2537]

### HANDICAPPED PARKING PRIVILEGE

AN ACT Relating to motor vehicles ; amending section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 297, Laws of 1975 1st ex. sess. and RCW 46.16.380; amending section 2, chapter 128, Laws of 1961 as amended by section 2, chapter 297, Laws of 1975 1st ex. sess. and RCW 46.61.580; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 297, Laws of 1975 1st ex. sess. and RCW 46.16.380 are each amended to read as follows:

Any person who shall submit satisfactory proof to the director that he or she has lost both of his or her lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair or who has lost both hands, shall be entitled to receive a special card to be left in a vehicle in a conspicuous place, bearing distinguishing marks, letters or numerals indicating that the vehicle is being used to transport such a privileged person. Such a privileged person shall also be entitled to receive for one motor vehicle only, a special decal to be affixed to the vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters or numerals indicating that the vehicle is owned by or primarily used for such a privileged person. Whenever such owner transfers or assigns his interest in such vehicle, the special decal shall be removed. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such vehicle. If another vehicle is acquired by, or for the primary use of, such person, a new decal shall be issued by the director. Application for renewal, except for the permanently disabled who shall be issued a permanent card, must be made by January 10th of each renewal year together with satisfactory proof of the