
HOUSE BILL 1114

State of Washington

66th Legislature

2019 Regular Session

By Representatives Doglio, Slatter, and Fey

Prefiled 01/10/19.

1 AN ACT Relating to reducing the wasting of food in order to fight
2 hunger and reduce environmental impacts; amending RCW 70.93.180,
3 70.95.090, and 70.105D.070; adding a new section to chapter 70.95
4 RCW; and 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 the wasting
7 of food represents a misuse of resources, including the water, land,
8 energy, labor, and capital that go into growing, harvesting,
9 processing, transporting, and retailing food for human consumption.
10 Wasting edible food occurs all along the food production supply
11 chain, and reducing the waste of edible food is a goal that can be
12 achieved only with the collective efforts of growers, processors,
13 distributors, retailers, consumers of food, and food bankers and
14 related charities. Inedible food waste can be managed in ways that
15 reduce negative environmental impacts and provide beneficial results
16 to the land, air, soil, and energy infrastructure. Efforts to reduce
17 the waste of food and expand the diversion of food waste to
18 beneficial end uses will also require the mindful support of
19 government policies that shape the behavior and waste reduction
20 opportunities of each of those participants in the food supply chain.

1 (2) Every year, American consumers, businesses, and farms spend
2 billions of dollars growing, processing, transporting, and disposing
3 of food that is never eaten. That represents tens of millions of tons
4 of food sent to landfills annually, plus millions of tons more that
5 are discarded or left unharvested on farms. Worldwide, the United
6 Nations food and agriculture organization has estimated that if one-
7 fourth of the food lost or wasted globally could be saved, it would
8 be enough to feed eight hundred seventy million hungry people.
9 Meanwhile, one in eight Americans is food insecure, including one in
10 six children. Recent data from the department of ecology indicate
11 that Washington is not immune to food waste problems, and recent
12 estimates indicate that seventeen percent of all garbage sent to
13 Washington disposal facilities is food waste, including eight percent
14 that is food that was determined to be edible at the time of
15 disposal. In recognition of the widespread benefits that would accrue
16 from reductions in food waste, in 2015, the administrator of the
17 United States environmental protection agency and the secretary of
18 the United States department of agriculture announced a national goal
19 of reducing food waste by fifty percent by 2030. The Pacific Coast
20 collaborative recently agreed to a similar commitment of halving food
21 waste by 2030, including efforts to prevent, rescue, and recover
22 wasted food.

23 (3) By establishing state wasted food reduction goals and
24 developing a state wasted food reduction strategy, it is the intent
25 of the legislature to continue its national leadership in solid waste
26 reduction efforts by:

27 (a) Improving efficiencies in the food production and
28 distribution system in order to reduce the cradle to grave greenhouse
29 gas emissions associated with wasted food;

30 (b) Fighting hunger by more efficiently diverting surplus food to
31 feed hungry individuals and families in need; and

32 (c) Supporting expansion of management facilities for inedible
33 food waste to improve access and facility performance while reducing
34 the volumes of food that flow through those facilities.

35 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.95
36 RCW to read as follows:

37 (1) A goal is established for the state to reduce by fifty
38 percent the amount of food waste generated annually by 2030, relative

1 to 2015 levels. A subset of this goal must include a prevention goal
2 to reduce the amount of edible food that is wasted.

3 (2) The department may estimate 2015 levels of wasted food in
4 Washington using any combination of solid waste reporting data
5 obtained under this chapter and surveys and studies measuring wasted
6 food and food waste in other jurisdictions. For the purposes of
7 measuring progress towards the goal in subsection (1) of this
8 section, the department must adopt standardized metrics and processes
9 for measuring or estimating volumes of wasted food and food waste
10 generated in the state.

11 (3) By October 1, 2020, the department, in consultation with the
12 department of agriculture and the department of health, must develop
13 and adopt a state wasted food reduction and food waste diversion plan
14 designed to achieve the goal established in subsection (1) of this
15 section.

16 (a) The wasted food reduction and food waste diversion plan must
17 include strategies, in descending order of priority, to:

18 (i) Prevent and reduce the wasting of edible food by residents
19 and businesses;

20 (ii) Help match and support the capacity for edible food that
21 would otherwise be wasted with food banks and other distributors that
22 will ensure the food reaches those who need it; and

23 (iii) Support productive uses of inedible food materials,
24 including using it for animal feed, energy production through
25 anaerobic digestion, or other commercial uses, and for off-site or
26 on-site management systems including composting, vermicomposting, or
27 other biological systems.

28 (b) The wasted food reduction and food waste diversion plan must
29 be designed to:

30 (i) Recommend a regulatory environment that optimizes activities
31 and processes to rescue safe, nutritious, edible food;

32 (ii) Recommend a funding environment in which stable, predictable
33 resources are provided to wasted food prevention and rescue and food
34 waste recovery activities in such a way as to allow the development
35 of additional capacity and the use of new technologies;

36 (iii) Avoid placing burdensome regulations on the hunger relief
37 system, and ensure that organizations involved in wasted food
38 prevention and rescue, and food waste recovery, retain discretion to
39 accept or reject donations of food when appropriate;

1 (iv) Provide state technical support to wasted food prevention
2 and rescue and food waste recovery organizations; and

3 (v) Support the development and distribution of equitable
4 materials to support food waste and wasted food educational and
5 programmatic efforts in K-12 schools, in collaboration with the
6 office of the superintendent of public instruction, and aligned with
7 the Washington state science and social studies learning standards.

8 (c) The wasted food reduction and food waste diversion plan must
9 include suggested best practices that local governments may
10 incorporate into solid waste management plans developed under RCW
11 70.95.080.

12 (d) The department must solicit feedback from the public and
13 interested stakeholders throughout the process of developing and
14 adopting the wasted food reduction and food waste diversion plan. To
15 assist with its food waste reduction plan development
16 responsibilities, the department may designate a stakeholder advisory
17 panel. If the department designates a stakeholder advisory panel, it
18 must consist of representatives of, at minimum: Local government
19 health departments, local government solid waste departments, food
20 banks, hunger-focused nonprofit organizations, waste-focused
21 nonprofit organizations, K-12 public education, and food businesses
22 or food business associations.

23 (e) In conjunction with the development of the wasted food
24 reduction and food waste diversion plan, the department and the
25 departments of agriculture and health must consider recommending
26 changes to state law in order to achieve the goal established in
27 subsection (1) of this section. Any such recommendations must be
28 explained via a report to the legislature submitted consistent with
29 RCW 43.01.036 by December 1, 2020.

30 (4) In support of the development of the plan in subsection (3)
31 of this section, the department of commerce must contract for an
32 independent evaluation of the state's food waste and wasted food
33 management system.

34 (5) The definitions in this subsection apply throughout this
35 section unless the context clearly requires otherwise.

36 (a)(i) "Food waste" means waste from fruits, vegetables, meats,
37 dairy products, fish, shellfish, nuts, seeds, grains, and similar
38 materials that results from the storage, preparation, cooking,
39 handling, selling, or serving of food for human consumption.

1 (ii) "Food waste" includes, but is not limited to, excess,
2 spoiled, or unusable food and includes inedible parts commonly
3 associated with food preparation such as pits, shells, bones, and
4 peels. "Food waste" does not include dead animals not intended for
5 human consumption or animal excrement.

6 (b) "Prevention" refers to avoiding the wasting of food in the
7 first place and represents the greatest potential for cost savings
8 and environmental benefits for businesses, governments, and
9 consumers.

10 (c) "Recovery" refers to processing inedible food waste to
11 extract value from it, through composting, anaerobic digestion, or
12 for use as animal feedstock.

13 (d) "Rescue" refers to the redistribution of surplus edible food
14 to other users.

15 (e) "Wasted food" means the edible portion of food waste.

16 **Sec. 3.** RCW 70.93.180 and 2015 c 15 s 3 are each amended to read
17 as follows:

18 (1) There is hereby created an account within the state treasury
19 to be known as the waste reduction, recycling, and litter control
20 account. Moneys in the account may be spent only after appropriation.
21 Expenditures from the waste reduction, recycling, and litter control
22 account shall be used as follows:

23 (a) Fifty percent to the department of ecology, for use by the
24 departments of ecology, natural resources, revenue, transportation,
25 and corrections, and the parks and recreation commission, for use in
26 litter collection programs, to be distributed under RCW 70.93.220.
27 The amount to the department of ecology shall also be used for a
28 central coordination function for litter control efforts statewide;
29 for statewide public awareness programs under RCW 70.93.200(7); and
30 to support employment of youth in litter cleanup as intended in RCW
31 70.93.020, and for litter pick up using other authorized agencies.
32 The amount to the department shall also be used to defray the costs
33 of administering the funding, coordination, and oversight of local
34 government programs for waste reduction, litter control, recycling,
35 and composting so that local governments can apply one hundred
36 percent of their funding to achieving program goals. The amount to
37 the department of revenue shall be used to enforce compliance with
38 the litter tax imposed in chapter 82.19 RCW;

1 (b) (i) Twenty percent to the department for local government
2 funding programs for waste reduction, litter control, recycling
3 activities, and composting activities by cities and counties under
4 RCW 70.93.250, to be administered by the department of ecology; (ii)
5 any unspent funds under (b) (i) of this subsection may be used to
6 create and pay for a matching fund competitive grant program to be
7 used by local governments and nonprofit organizations for local or
8 statewide education programs designed to help the public with litter
9 control, waste reduction, recycling, and composting of primarily the
10 products taxed under chapter 82.19 RCW. Recipients under this
11 subsection include programs to reduce wasted food and food waste that
12 are designed to achieve the goals established in section 2(1) of this
13 act and that are consistent with the plan developed in section 2(3)
14 of this act. Grants must adhere to the following requirements: (A) No
15 grant may exceed sixty thousand dollars; (B) grant recipients shall
16 match the grant funding allocated by the department by an amount
17 equal to twenty-five percent of eligible expenses. A local
18 government's share of these costs may be met by cash or contributed
19 services; (C) the obligation of the department to make grant payments
20 is contingent upon the availability of the amount of money
21 appropriated for this subsection (1)(b); and (D) grants are managed
22 under the guidelines for existing grant programs; and

23 (c) Thirty percent to the department of ecology to: (i) Implement
24 activities under RCW 70.93.200 for waste reduction, recycling, and
25 composting efforts; (ii) provide technical assistance to local
26 governments for commercial business and residential recycling
27 programs primarily for the products taxed under chapter 82.19 RCW
28 designed to educate citizens about waste reduction, litter control,
29 and recyclable and compostable products and programs; ~~((and))~~ (iii)
30 increase access to waste reduction, composting, and recycling
31 programs, particularly for food packaging and plastic bags and
32 appropriate composting techniques; and (iv) for programs to reduce
33 wasted food and food waste that are designed to achieve the goals
34 established in section 2(1) of this act and that are consistent with
35 the plan developed in section 2(3) of this act.

36 (2) All taxes imposed in RCW 82.19.010 and fines and bail
37 forfeitures collected or received pursuant to this chapter shall be
38 deposited in the waste reduction, recycling, and litter control
39 account and used for the programs under subsection (1) of this
40 section.

1 (3) Not less than five percent and no more than ten percent of
2 the amount appropriated into the waste reduction, recycling, and
3 litter control account every biennium shall be reserved for capital
4 needs, including the purchase of vehicles for transporting crews and
5 for collecting litter and solid waste. Capital funds shall be
6 distributed among state agencies and local governments according to
7 the same criteria provided in RCW 70.93.220 for the remainder of the
8 funds, so that the most effective waste reduction, litter control,
9 recycling, and composting programs receive the most funding. The
10 intent of this subsection is to provide funds for the purchase of
11 equipment that will enable the department to account for the greatest
12 return on investment in terms of reaching a zero litter goal.

13 (4) Funds in the waste reduction, recycling, and litter control
14 account, collected under chapter 82.19 RCW, must be prioritized for
15 the products identified under RCW 82.19.020 solely for the purposes
16 of recycling, composting, and litter collection, reduction, and
17 control programs.

18 **Sec. 4.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to
19 read as follows:

20 Each county and city comprehensive solid waste management plan
21 shall include the following:

22 (1) A detailed inventory and description of all existing solid
23 waste handling facilities including an inventory of any deficiencies
24 in meeting current solid waste handling needs.

25 (2) The estimated long-range needs for solid waste handling
26 facilities projected twenty years into the future.

27 (3) A program for the orderly development of solid waste handling
28 facilities in a manner consistent with the plans for the entire
29 county which shall:

30 (a) Meet the minimum functional standards for solid waste
31 handling adopted by the department and all laws and regulations
32 relating to air and water pollution, fire prevention, flood control,
33 and protection of public health;

34 (b) Take into account the comprehensive land use plan of each
35 jurisdiction;

36 (c) Contain a six year construction and capital acquisition
37 program for solid waste handling facilities; and

1 (d) Contain a plan for financing both capital costs and
2 operational expenditures of the proposed solid waste management
3 system.

4 (4) A program for surveillance and control.

5 (5) A current inventory and description of solid waste collection
6 needs and operations within each respective jurisdiction which shall
7 include:

8 (a) Any franchise for solid waste collection granted by the
9 utilities and transportation commission in the respective
10 jurisdictions including the name of the holder of the franchise and
11 the address of his or her place of business and the area covered by
12 the franchise;

13 (b) Any city solid waste operation within the county and the
14 boundaries of such operation;

15 (c) The population density of each area serviced by a city
16 operation or by a franchised operation within the respective
17 jurisdictions;

18 (d) The projected solid waste collection needs for the respective
19 jurisdictions for the next six years.

20 (6) A comprehensive waste reduction and recycling element that,
21 in accordance with the priorities established in RCW 70.95.010,
22 provides programs that (a) reduce the amount of waste generated, (b)
23 provide incentives and mechanisms for source separation, and (c)
24 establish recycling opportunities for the source separated waste.

25 (7) The waste reduction and recycling element shall include the
26 following:

27 (a) Waste reduction strategies, which may include strategies to
28 reduce wasted food and food waste that are designed to achieve the
29 goals established in section 2(1) of this act and that are consistent
30 with the plan developed in section 2(3) of this act;

31 (b) Source separation strategies, including:

32 (i) Programs for the collection of source separated materials
33 from residences in urban and rural areas. In urban areas, these
34 programs shall include collection of source separated recyclable
35 materials from single and multiple-family residences, unless the
36 department approves an alternative program, according to the criteria
37 in the planning guidelines. Such criteria shall include: Anticipated
38 recovery rates and levels of public participation, availability of
39 environmentally sound disposal capacity, access to markets for
40 recyclable materials, unreasonable cost impacts on the ratepayer over

1 the six-year planning period, utilization of environmentally sound
2 waste reduction and recycling technologies, and other factors as
3 appropriate. In rural areas, these programs shall include but not be
4 limited to drop-off boxes, buy-back centers, or a combination of
5 both, at each solid waste transfer, processing, or disposal site, or
6 at locations convenient to the residents of the county. The drop-off
7 boxes and buy-back centers may be owned or operated by public,
8 nonprofit, or private persons;

9 (ii) Programs to monitor the collection of source separated waste
10 at nonresidential sites where there is sufficient density to sustain
11 a program;

12 (iii) Programs to collect yard waste and food waste, if the
13 county or city submitting the plan finds that there are adequate
14 markets or capacity for composted yard waste and food waste within or
15 near the service area to consume the majority of the material
16 collected; and

17 (iv) Programs to educate and promote the concepts of waste
18 reduction and recycling;

19 (c) Recycling strategies, including a description of markets for
20 recyclables, a review of waste generation trends, a description of
21 waste composition, a discussion and description of existing programs
22 and any additional programs needed to assist public and private
23 sector recycling, and an implementation schedule for the designation
24 of specific materials to be collected for recycling, and for the
25 provision of recycling collection services;

26 (d) Other information the county or city submitting the plan
27 determines is necessary.

28 (8) An assessment of the plan's impact on the costs of solid
29 waste collection. The assessment shall be prepared in conformance
30 with guidelines established by the utilities and transportation
31 commission. The commission shall cooperate with the Washington state
32 association of counties and the association of Washington cities in
33 establishing such guidelines.

34 (9) A review of potential areas that meet the criteria as
35 outlined in RCW 70.95.165.

36 **Sec. 5.** RCW 70.105D.070 and 2018 c 299 s 911 are each amended to
37 read as follows:

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

1 (2) (a) Moneys collected under RCW 82.21.030 must be deposited as
2 follows: Fifty-six percent to the state toxics control account under
3 subsection (3) of this section and forty-four percent to the local
4 toxics control account under subsection (4) of this section. When the
5 cumulative amount of deposits made to the state and local toxics
6 control accounts under this section reaches the limit during a fiscal
7 year as established in (b) of this subsection, the remainder of the
8 moneys collected under RCW 82.21.030 during that fiscal year must be
9 deposited into the environmental legacy stewardship account created
10 in RCW 70.105D.170.

11 (b) The limit on distributions of moneys collected under RCW
12 82.21.030 to the state and local toxics control accounts for the
13 fiscal year beginning July 1, 2013, is one hundred forty million
14 dollars.

15 (c) In addition to the funds required under (a) of this
16 subsection, the following moneys must be deposited into the state
17 toxics control account: (i) The costs of remedial actions recovered
18 under this chapter (~~or chapter 70.105A RCW~~); (ii) penalties
19 collected or recovered under this chapter; and (iii) any other money
20 appropriated or transferred to the account by the legislature.

21 (3) Moneys in the state toxics control account must be used only
22 to carry out the purposes of this chapter, including but not limited
23 to the following activities:

24 (a) The state's responsibility for hazardous waste planning,
25 management, regulation, enforcement, technical assistance, and public
26 education required under chapter 70.105 RCW;

27 (b) The state's responsibility for solid waste planning,
28 management, regulation, enforcement, technical assistance, and public
29 education required under chapter 70.95 RCW;

30 (c) The hazardous waste clean-up program required under this
31 chapter;

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

33 (e) Financial assistance for local programs in accordance with
34 chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

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

38 (g) Oil and hazardous materials spill prevention, preparedness,
39 training, and response activities;

1 (h) Water and environmental health protection and monitoring
2 programs;

3 (i) Programs authorized under chapter 70.146 RCW;

4 (j) A public participation program;

5 (k) Public funding to assist potentially liable persons to pay
6 for the costs of remedial action in compliance with clean-up
7 standards under RCW 70.105D.030(2)(e) but only when the amount and
8 terms of such funding are established under a settlement agreement
9 under RCW 70.105D.040(4) and when the director has found that the
10 funding will achieve both: (i) A substantially more expeditious or
11 enhanced cleanup than would otherwise occur; and (ii) the prevention
12 or mitigation of unfair economic hardship;

13 (l) Development and demonstration of alternative management
14 technologies designed to carry out the hazardous waste management
15 priorities of RCW 70.105.150;

16 (m) State agriculture and health programs for the safe use,
17 reduction, recycling, or disposal of pesticides;

18 (n) Stormwater pollution control projects and activities that
19 protect or preserve existing remedial actions or prevent hazardous
20 clean-up sites;

21 (o) Funding requirements to maintain receipt of federal funds
22 under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et
23 seq.);

24 (p) Air quality programs and actions for reducing public exposure
25 to toxic air pollution;

26 (q) Public funding to assist prospective purchasers to pay for
27 the costs of remedial action in compliance with clean-up standards
28 under RCW 70.105D.030(2)(e) if:

29 (i) The facility is located within a redevelopment opportunity
30 zone designated under RCW 70.105D.150;

31 (ii) The amount and terms of the funding are established under a
32 settlement agreement under RCW 70.105D.040(5); and

33 (iii) The director has found the funding meets any additional
34 criteria established in rule by the department, will achieve a
35 substantially more expeditious or enhanced cleanup than would
36 otherwise occur, and will provide a public benefit in addition to
37 cleanup commensurate with the scope of the public funding;

38 (r) Petroleum-based plastic or expanded polystyrene foam debris
39 cleanup activities in fresh or marine waters;

1 (s) Appropriations to the local toxics control account or the
2 environmental legacy stewardship account created in RCW 70.105D.170,
3 if the legislature determines that priorities for spending exceed
4 available funds in those accounts;

5 (t) During the 2015-2017 and 2017-2019 fiscal biennia, the
6 department of ecology's water quality, shorelands, environmental
7 assessment, administration, and air quality programs;

8 (u) During the 2013-2015 fiscal biennium, actions at the state
9 conservation commission to improve water quality for shellfish;

10 (v) During the 2013-2015 and 2015-2017 fiscal biennia, actions at
11 the University of Washington for reducing ocean acidification;

12 (w) During the 2015-2017 and 2017-2019 fiscal biennia, for the
13 University of Washington Tacoma soil remediation project;

14 (x) For the 2013-2015 fiscal biennium, moneys in the state toxics
15 control account may be spent on projects in section 3160, chapter 19,
16 Laws of 2013 2nd sp. sess. and for transfer to the local toxics
17 control account;

18 (y) For the 2013-2015 fiscal biennium, moneys in the state toxics
19 control account may be transferred to the radioactive mixed waste
20 account; and

21 (z) For the 2015-2017 and 2017-2019 fiscal biennia, forest
22 practices regulation at the department of natural resources.

23 (4)(a) The department shall use moneys deposited in the local
24 toxics control account for grants or loans to local governments for
25 the following purposes in descending order of priority:

26 (i) Extended grant agreements entered into under (~~(e)~~) (e)(i)
27 of this subsection;

28 (ii) Remedial actions, including planning for adaptive reuse of
29 properties as provided for under (~~(e)~~) (e)(iv) of this subsection.
30 The department must prioritize funding of remedial actions at:

31 (A) Facilities on the department's hazardous sites list with a
32 high hazard ranking for which there is an approved remedial action
33 work plan or an equivalent document under federal cleanup law;

34 (B) Brownfield properties within a redevelopment opportunity zone
35 if the local government is a prospective purchaser of the property
36 and there is a department-approved remedial action work plan or
37 equivalent document under the federal cleanup law;

38 (iii) Stormwater pollution source projects that: (A) Work in
39 conjunction with a remedial action; (B) protect completed remedial

1 actions against recontamination; or (C) prevent hazardous clean-up
2 sites;

3 (iv) Hazardous waste plans and programs under chapter 70.105 RCW;

4 (v) Solid waste plans and programs under chapters 70.95, 70.95C,
5 70.95I, and 70.105 RCW. Programs under this subsection include
6 programs to reduce wasted food and food waste that are designed to
7 achieve the goals established in section 2(1) of this act and that
8 are consistent with the plan developed in section 2(3) of this act;

9 (vi) Petroleum-based plastic or expanded polystyrene foam debris
10 cleanup activities in fresh or marine waters; and

11 (vii) Appropriations to the state toxics control account or the
12 environmental legacy stewardship account created in RCW 70.105D.170,
13 if the legislature determines that priorities for spending exceed
14 available funds in those accounts.

15 (b) Funds for plans and programs must be allocated consistent
16 with the priorities and matching requirements established in chapters
17 70.105, 70.95C, 70.95I, and 70.95 RCW.

18 (c) During the 2013-2015 fiscal biennium, the local toxics
19 control account may also be used for local government stormwater
20 planning and implementation activities.

21 (d) During the 2013-2015 fiscal biennium, the legislature may
22 transfer from the local toxics control account to the state general
23 fund, such amounts as reflect the excess fund balance in the account.

24 (e) To expedite cleanups throughout the state, the department may
25 use the following strategies when providing grants to local
26 governments under this subsection:

27 (i) Enter into an extended grant agreement with a local
28 government conducting remedial actions at a facility where those
29 actions extend over multiple biennia and the total eligible cost of
30 those actions exceeds twenty million dollars. The agreement is
31 subject to the following limitations:

32 (A) The initial duration of such an agreement may not exceed ten
33 years. The department may extend the duration of such an agreement
34 upon finding substantial progress has been made on remedial actions
35 at the facility;

36 (B) Extended grant agreements may not exceed fifty percent of the
37 total eligible remedial action costs at the facility; and

38 (C) The department may not allocate future funding to an extended
39 grant agreement unless the local government has demonstrated to the
40 department that funds awarded under the agreement during the previous

1 biennium have been substantially expended or contracts have been
2 entered into to substantially expend the funds;

3 (ii) Enter into a grant agreement with a local government
4 conducting a remedial action that provides for periodic reimbursement
5 of remedial action costs as they are incurred as established in the
6 agreement;

7 (iii) Enter into a grant agreement with a local government prior
8 to it acquiring a property or obtaining necessary access to conduct
9 remedial actions, provided the agreement is conditioned upon the
10 local government acquiring the property or obtaining the access in
11 accordance with a schedule specified in the agreement;

12 (iv) Provide integrated planning grants to local governments to
13 fund studies necessary to facilitate remedial actions at brownfield
14 properties and adaptive reuse of properties following remediation.
15 Eligible activities include, but are not limited to: Environmental
16 site assessments; remedial investigations; health assessments;
17 feasibility studies; site planning; community involvement; land use
18 and regulatory analyses; building and infrastructure assessments;
19 economic and fiscal analyses; and any environmental analyses under
20 chapter 43.21C RCW;

21 (v) Provide grants to local governments for remedial actions
22 related to area-wide groundwater contamination. To receive the
23 funding, the local government does not need to be a potentially
24 liable person or be required to seek reimbursement of grant funds
25 from a potentially liable person;

26 (vi) The director may alter grant matching requirements to create
27 incentives for local governments to expedite cleanups when one of the
28 following conditions exists:

29 (A) Funding would prevent or mitigate unfair economic hardship
30 imposed by the clean-up liability;

31 (B) Funding would create new substantial economic development,
32 public recreational opportunities, or habitat restoration
33 opportunities that would not otherwise occur; or

34 (C) Funding would create an opportunity for acquisition and
35 redevelopment of brownfield property under RCW 70.105D.040(5) that
36 would not otherwise occur;

37 (vii) When pending grant applications under (e)(iv) and (v) of
38 this subsection (4) exceed the amount of funds available, designated
39 redevelopment opportunity zones must receive priority for
40 distribution of available funds.

1 (f) To expedite multiparty clean-up efforts, the department may
2 purchase remedial action cost-cap insurance. For the 2013-2015 fiscal
3 biennium, moneys in the local toxics control account may be spent on
4 projects in sections 3024, 3035, 3036, and 3059, chapter 19, Laws of
5 2013 2nd sp. sess.

6 (5) Except for unanticipated receipts under RCW 43.79.260 through
7 43.79.282, moneys in the state and local toxics control accounts may
8 be spent only after appropriation by statute.

9 (6) No moneys deposited into either the state or local toxics
10 control account may be used for: Natural disasters where there is no
11 hazardous substance contamination; high performance buildings; solid
12 waste incinerator facility feasibility studies, construction,
13 maintenance, or operation; or projects designed to address the
14 restoration of Puget Sound, funded in a competitive grant process,
15 that are in conflict with the action agenda developed by the Puget
16 Sound partnership under RCW 90.71.310. However, this subsection does
17 not prevent an appropriation from the state toxics control account to
18 the department of revenue to enforce compliance with the hazardous
19 substance tax imposed in chapter 82.21 RCW.

20 (7) Except during the 2011-2013 and the 2015-2017 fiscal biennia,
21 one percent of the moneys collected under RCW 82.21.030 shall be
22 allocated only for public participation grants to persons who may be
23 adversely affected by a release or threatened release of a hazardous
24 substance and to not-for-profit public interest organizations. The
25 primary purpose of these grants is to facilitate the participation by
26 persons and organizations in the investigation and remedying of
27 releases or threatened releases of hazardous substances and to
28 implement the state's solid and hazardous waste management
29 priorities, including programs that are designed to achieve the goals
30 established in section 2(1) of this act and that are consistent with
31 the plan developed in section 2(3) of this act. No grant may exceed
32 sixty thousand dollars. Grants may be renewed annually. Moneys
33 appropriated for public participation that are not expended at the
34 close of any biennium revert to the state toxics control account.

35 (8) The department shall adopt rules for grant or loan issuance
36 and performance. To accelerate both remedial action and economic
37 recovery, the department may expedite the adoption of rules necessary
38 to implement chapter 1, Laws of 2013 2nd sp. sess. using the
39 expedited procedures in RCW 34.05.353. The department shall initiate
40 the award of financial assistance by August 1, 2013. To ensure the

1 adoption of rules will not delay financial assistance, the department
2 may administer the award of financial assistance through interpretive
3 guidance pending the adoption of rules through July 1, 2014.

4 (9) Except as provided under subsection (3)(k) and (q) of this
5 section, nothing in chapter 1, Laws of 2013 2nd sp. sess. affects the
6 ability of a potentially liable person to receive public funding.

7 (10) During the 2015-2017 fiscal biennium the local toxics
8 control account may also be used for the centennial clean water
9 program and for the stormwater financial assistance program
10 administered by the department of ecology.

11 (11) During the 2017-2019 fiscal biennium:

12 (a) The state toxics control account, the local toxics control
13 account, and the environmental legacy stewardship account may be used
14 for interchangeable purposes and funds may be transferred between
15 accounts to accomplish those purposes.

16 (b) The legislature may direct the state treasurer to make
17 transfers of moneys in the state toxics control account to the water
18 pollution control revolving account.

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