

# HOUSE BILL REPORT

## ESHB 1865

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*As Reported By House Committee on:  
Environmental Affairs*

**Title:** An act relating to the sizing of hazardous waste disposal facilities.

**Brief Description:** Providing for hazardous waste planning.

**Sponsor(s):** House Committee on Environmental Affairs  
(originally sponsored by Representatives Rust, Chandler, Valle and Prince).

**Brief History:**

Reported by House Committee on:  
Environmental Affairs, January 31, 1992, DPA.

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**HOUSE COMMITTEE ON  
ENVIRONMENTAL AFFAIRS**

**Majority Report:** *Do pass as amended.* Signed by 8 members: Representatives Rust, Chair; Valle, Vice Chair; Horn, Ranking Minority Member; Bray; Brekke; G. Fisher; J. Kohl; and Pruitt.

**Minority Report:** *Without recommendation.* Signed by 3 members: Representatives Edmondson, Assistant Ranking Minority Member; Neher; and Van Luven.

**Staff:** Harry Reinert (786-7110).

**Background:** In 1983, the Legislature established priorities for the management and regulation of hazardous wastes. Waste reduction is the first priority in the management of hazardous waste. The remaining priorities, in descending order, are waste recycling, treatment, incineration, solidification or stabilization, and landfill.

The Legislature also directed the Department of Ecology to conduct a study of the best management practices for different categories of waste under the statutory priorities. The study was due to be completed by July 1986, and rules adopted by July 1987. The solid waste advisory committee was directed to report to the Legislature by January 1988 on policy options to reduce the production of hazardous wastes. The studies must be updated every five years.

The Department of Ecology is the state agency with authority to issue permits for hazardous waste management facilities. The Legislature has directed the department to adopt rules allowing for expeditious issuance of permits consistent with the requirements of state and federal law.

In 1985, the Legislature directed the department to prepare a hazardous waste management plan. The plan was to be completed by 1987. The plan must include an inventory of existing capacity to manage hazardous wastes, a forecast of future waste generation, a description of the best management practices study, siting criteria and policies, and a public involvement process. The department appointed an advisory committee in 1989. The committee submitted its recommendations to the department in September 1991. A recommendation in the plan stated that the department should be granted authority to limit the size of commercial incineration and land disposal facilities based on the need for those facilities. The recommendation included a suggestion that the needs assessment be revised every five or six years and the permitted capacity be modified to meet the changing market need.

If the owner and operator of a facility seeking a permit are not the same, the operator shall be the permit applicant and is responsible for development of the permit application. The owner must acknowledge the contents of, sign the application and certify ownership of the real property on which the facility will be located.

***Summary of Amended Bill:*** The Department of Ecology shall include in the hazardous waste management plan an estimate of the need for hazardous waste landfill and incinerator capacity. The estimate shall be for the following 10 years. In making the estimate, the department shall consider the available incinerator and landfill capacity in Washington, Oregon, Idaho, and Alaska. It shall also consider the potential for decreases in demand based on the application of the preferred management hierarchy, and the potential for changes in demand due to economic growth, regulatory changes, cleanup activities, and other relevant impacts.

The department may issue a permit for a new hazardous waste incinerator or landfill only if the department determines the facility is sized no larger than is necessary to meet the needs of the states of Washington, Oregon, Idaho, and Alaska.

The department shall include in a permit for a hazardous waste incinerator or landfill, maximum capacity limits for the facility based on regional needs. The department shall reevaluate the maximum capacity at the time a permit is

reissued or if the capacity of the facility is affected by a facility modification.

If the owner and operator of a proposed facility are not the same entity, each shall sign the permit application and shall be responsible for development of the permit application.

**Amended Bill Compared to Engrossed Substitute Bill:** The amended bill includes provisions relating to modification of a facility's maximum operating capacity when a permit is reissued. The amended bill also requires the owner and operator to both be responsible for the permit application.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** Waste management is changing. Industry is making progress towards reducing the total amount of waste that is generated. Allowing a facility that is too large will act as a disincentive to these positive developments. A facility that is too large may also act as a magnet for hazardous wastes from outside the northwest region.

**Testimony Against:** None.

**Witnesses:** Betty Tabbutt, Washington Environmental Council (pro); Bruce Wishart, Sierra Club (pro); Narda Pierce, Susan Ridgley, Department of Ecology (pro); Rick Wickman, Chemical Waste, Inc. (pro, with concerns); and George Tyler (pro).