

SENATE BILL REPORT

SB 5569

AS OF FEBRUARY 18, 1991

Brief Description: Prohibiting the location of a hazardous waste incinerator within five miles of commercial agriculture.

SPONSORS: Senators Hansen, Patterson, Stratton, Bauer, Vognild, Bailey, Barr, Moore, Skratek, Amondson, Rasmussen, Wojahn, Conner and von Reichbauer.

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

Staff: Gary Wilburn (786-7453)

Hearing Dates: February 20, 1991

BACKGROUND:

The Legislature in 1985 declared that the state preempts the field of permitting and regulating facilities for landfilling, incineration or land treatment of hazardous wastes, designated as "preempted facilities." The Department of Ecology was assigned the authority to regulate such facilities with respect to location, construction and operation. Permits issued by the department are in lieu of any and all permits by any other state, regional or local governmental authority. Any laws or regulations which conflict with the state hazardous waste laws or regulations, and any regional or local laws regarding the location, construction or operation of preempted facilities are deemed superseded.

In addition, the department was directed to adopt criteria for the siting of preempted facilities and other hazardous waste management facilities. The criteria are to be designed to minimize short-term and long-term risks and costs resulting from such facilities, and may consider natural site characteristics as well as engineered protection. The criteria are required to be included in a state hazardous waste management plan that includes elements such as an inventory and assessment of the capacity of existing facilities, a forecast of future waste generation, a plan for promoting the state's waste management priorities, and a public information and education plan. The siting criteria were to be completed by December 31, 1986, and the balance of the plan by June 30, 1987.

Siting criteria were adopted by the department in March of 1988 and subsequently withdrawn. In 1989 the Legislature extended the deadline for adoption of the criteria, and final siting criteria regulations were adopted in the fall of 1990.

Management and disposal regulations vary depending on the classification of waste under Washington's hazardous waste

management laws. "Dangerous wastes" are those wastes posing a substantial hazard to human health, wildlife or the environment based upon characteristics such as toxicity, corrosivity, flammability, or other specified characteristics. "Extremely hazardous wastes" are a subset of dangerous wastes characterized by their persistence and their extreme hazards to public health and the environment. "Moderate-risk waste" are hazardous wastes that are generated by households or generated in small quantities not regulated by state law. "Hazardous waste" encompasses all dangerous wastes and extremely hazardous wastes, including substances composed of both hazardous and radioactive components.

There are currently no preempted facilities located within the state of Washington. Two applications have been filed with the department for hazardous waste disposal facilities, to be located near Vantage in Grant County, and at a site in Adams County. The nearest landfill facilities for the disposal of hazardous waste are located in Oregon and Idaho, and the nearest for the incineration of hazardous waste is located in Texas.

SUMMARY:

The location of a facility for incinerating extremely hazardous waste, hazardous waste, moderate-risk waste, or dangerous waste is prohibited within five miles of commercial agriculture, which is defined as farming activities that make up 50 percent of a person's income.

Appropriation: none

Revenue: none

Fiscal Note: requested February 18, 1990