

SENATE BILL REPORT

SB 6421

**AS REPORTED BY COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES,
FEBRUARY 5, 1992**

Brief Description: Providing for hazardous waste management.

SPONSORS: Senator Metcalf

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

Majority Report: Do pass.

Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Owen, Sellar, and Snyder.

Staff: Gary Wilburn (786-7453)

Hearing Dates: February 5, 1992

BACKGROUND:

In 1976 Congress passed the Resource Conservation and Recovery Act (RCRA), which established a "cradle to grave" system for the management of hazardous wastes. Under RCRA and its implementing regulations, criteria are established for the designation of which wastes are to be considered hazardous, and a tracking system established for such wastes from the point of generation to ultimate storage, treatment or disposal. Under this system, standards are established for generators, transporters, and disposers of hazardous waste, as well as persons who handle hazardous waste. A manifest must be issued to track the waste, and annual reports must be filed. A permit is required for the siting and operation of facilities that store, treat or dispose of hazardous wastes ("TSD facilities").

RCRA allows for delegation of administration of the federal hazardous waste program to states with "equivalent" programs. When such delegation occurs, the state has primary authority for the permitting and regulatory system, with oversight by the U.S. Environmental Protection Agency and a dual enforcement role maintained by that federal agency and the state. Federal delegation may be revoked if the state fails to maintain "equivalency" with the federal requirements.

Washington State has received delegation for most of the federal program, including issuance of permits and regulation of waste generators, transporters and TSD facility operators. Under the Washington program, criteria are specified for the designation of "dangerous" wastes and "extremely hazardous" wastes, including toxicity, carcinogenicity, flammability, and corrosivity. A permit system has been established for TSD facilities and a manifest system established to track waste through storage, transportation, and treatment or disposal.

SUMMARY:

Legislative intent provisions are modified regarding operation of hazardous waste facilities by cross-referencing specific provisions of the hazardous waste management statutes, rather than the entire chapter. Department of Ecology hazardous waste regulations that thwart or tend to thwart the goals of specified hazardous waste statutes are invalid and unenforceable. Waste treatment, decontamination, or recycling is deleted from the definition of "disposal" for purposes of the hazardous waste management laws. When waste has been processed so that it is completely innocuous or processed to a recyclable product, it is no longer under the management control of the Department of Ecology.

Appropriation: none

Revenue: none

Fiscal Note: requested January 29, 1992

TESTIMONY FOR:

The Department of Ecology's enforcement actions are putting legitimate waste treatment businesses out of business.

TESTIMONY AGAINST: None

TESTIFIED: Larry Pemberthy, Paul Revere Organization; Laura Hewitt, Department of Ecology