
SUBSTITUTE HOUSE BILL 1865

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Chandler, Valle and Prince).

Read first time March 6, 1991.

1 AN ACT Relating to the sizing of hazardous waste disposal
2 facilities; amending RCW 70.105.215; adding a new section to chapter
3 70.105 RCW; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.105.215 and 1986 c 210 s 3 are each amended to read
6 as follows:

7 (1) The legislature recognizes ((the)) that even if efforts at
8 hazardous substance use reduction and waste reduction do not reduce the
9 quantity of hazardous wastes generated in this region, there will
10 probably be a need for new, modified, or expanded facilities to treat,
11 store, incinerate, or otherwise process or dispose of hazardous
12 substances safely. In order to ((encourage)) plan for the development
13 of such facilities when needed, the department shall adopt rules as
14 necessary regarding the permitting of such facilities to ensure the

1 most expeditious permit processing possible consistent with the
2 substantive requirements of applicable law.

3 (2) The department may issue a draft permit for a hazardous waste
4 disposal facility only if the department determines that the facility
5 is sized no larger than is necessary to meet the needed capacity of the
6 region, as determined pursuant to section 2 of this act.

7 (3) If the owner((s)) and operator((s)) of a proposed hazardous
8 waste disposal facility are not the same entity, the operator shall be
9 the permit applicant and responsible for the development of the permit
10 application and all accompanying materials, as long as the owner also
11 signs the application and certifies its ownership of the real property
12 described in the application, and acknowledges its awareness of the
13 contents of the application and receipt of a copy thereof.

14 NEW SECTION. Sec. 2. A new section is added to chapter 70.105 RCW
15 to read as follows:

16 As part of the hazardous waste management plan developed pursuant
17 to RCW 70.105.200, the department shall estimate the need for landfill
18 and incineration capacity for hazardous wastes generated in this state.
19 When a draft permit is issued pursuant to RCW 70.105.215, the
20 information in the plan shall be updated with a facility-specific needs
21 determination, using the best available information. To the extent
22 feasible, the department shall take into consideration the following
23 factors in the needs determination:

24 (1) The available incinerator and landfill capacity and demand on
25 capacity in Idaho, Oregon, and Alaska, based on information supplied by
26 those states;

27 (2) The potential for future decreases in demand for incineration
28 and landfiling if preferred management hierarchy established in RCW
29 70.105.150 were applied to all hazardous waste generated or treated and

1 disposed of in this state, so that wastes destined for landfill or
2 incineration would be only those which are appropriate for that method
3 of disposal; and

4 (3) The potential future increases in demand due to economic
5 growth, regulatory changes, expanded cleanup activities, and other
6 relevant impacts.

7 NEW SECTION. **Sec. 3.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and shall take
14 effect immediately.