
SENATE BILL 5569

State of Washington

52nd Legislature

1991 Regular Session

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

Read first time February 7, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to hazardous waste; amending RCW 70.105.010; and
2 adding a new section to chapter 70.105 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.105 RCW
5 to read as follows:

6 The location of a facility for incinerating extremely hazardous
7 waste, hazardous waste, moderate-risk waste, or dangerous waste is
8 prohibited within five miles of commercial agriculture. "Commercial
9 agriculture" means farming activities that make up fifty percent of the
10 income of a person as defined in RCW 70.105.010.

11 **Sec. 2.** RCW 70.105.010 and 1989 c 376 s 1 are each amended to read
12 as follows:

1 The words and phrases defined in this section shall have the
2 meanings indicated when used in this chapter unless the context clearly
3 requires otherwise.

4 (1) "Department" means the department of ecology.

5 (2) "Director" means the director of the department of ecology or
6 the director's designee.

7 (3) "Disposal site" means a geographical site in or upon which
8 hazardous wastes are disposed of in accordance with the provisions of
9 this chapter.

10 (4) "Dispose or disposal" means the discarding or abandoning of
11 hazardous wastes or the treatment, decontamination, or recycling of
12 such wastes once they have been discarded or abandoned.

13 (5) "Dangerous wastes" means any discarded, useless, unwanted, or
14 abandoned substances, including but not limited to certain pesticides,
15 or any residues or containers of such substances which are disposed of
16 in such quantity or concentration as to pose a substantial present or
17 potential hazard to human health, wildlife, or the environment because
18 such wastes or constituents or combinations of such wastes:

19 (a) Have short-lived, toxic properties that may cause death,
20 injury, or illness or have mutagenic, teratogenic, or carcinogenic
21 properties; or

22 (b) Are corrosive, explosive, flammable, or may generate pressure
23 through decomposition or other means.

24 (6) "Extremely hazardous waste" means any dangerous waste which

25 (a) will persist in a hazardous form for several years or more at
26 a disposal site and which in its persistent form

27 (i) presents a significant environmental hazard and may be
28 concentrated by living organisms through a food chain or may affect the
29 genetic make-up of man or wildlife, and

30 (ii) is highly toxic to man or wildlife

1 (b) if disposed of at a disposal site in such quantities as would
2 present an extreme hazard to man or the environment.

3 (7) "Person" means (~~(any person)~~) an individual, firm, association,
4 county, public or municipal or private corporation, agency, or other
5 entity whatsoever.

6 (8) "Pesticide" shall have the meaning of the term as defined in
7 RCW 15.58.030 as now or hereafter amended.

8 (9) "Solid waste advisory committee" means the same advisory
9 committee as per RCW 70.95.040 through 70.95.070.

10 (10) "Designated zone facility" means any facility that requires an
11 interim or final status permit under rules adopted under this chapter
12 and that is not a preempted facility as defined in this section.

13 (11) "Facility" means all contiguous land and structures, other
14 appurtenances, and improvements on the land used for recycling,
15 storing, treating, incinerating, or disposing of hazardous waste.

16 (12) "Preempted facility" means any facility that includes as a
17 significant part of its activities any of the following operations:
18 (a) Landfill, (b) incineration, (c) land treatment, (d) surface
19 impoundment to be closed as a landfill, or (e) waste pile to be closed
20 as a landfill.

21 (13) "Hazardous household substances" means those substances
22 identified by the department as hazardous household substances in the
23 guidelines developed under RCW 70.105.220.

24 (14) "Hazardous substances" means any liquid, solid, gas, or
25 sludge, including any material, substance, product, commodity, or
26 waste, regardless of quantity, that exhibits any of the characteristics
27 or criteria of hazardous waste as described in rules adopted under this
28 chapter.

1 (15) "Hazardous waste" means and includes all dangerous and
2 extremely hazardous waste, including substances composed of both
3 radioactive and hazardous components.

4 (16) "Local government" means a city, town, or county.

5 (17) "Moderate-risk waste" means (a) any waste that exhibits any of
6 the properties of hazardous waste but is exempt from regulation under
7 this chapter solely because the waste is generated in quantities below
8 the threshold for regulation, and (b) any household wastes which are
9 generated from the disposal of substances identified by the department
10 as hazardous household substances.

11 (18) "Service charge" means an assessment imposed under RCW
12 70.105.280 against those facilities that store, treat, incinerate, or
13 dispose of dangerous or extremely hazardous waste that contains both a
14 nonradioactive hazardous component and a radioactive component.
15 Service charges shall also apply to facilities undergoing closure under
16 this chapter in those instances where closure entails the physical
17 characterization of remaining wastes which contain both a
18 nonradioactive hazardous component and a radioactive component or the
19 management of such wastes through treatment or removal, except any
20 commercial low-level radioactive waste facility.