

HOUSE BILL REPORT

HB 1047

As Reported By House Committee On:
Environmental Affairs

Title: An act relating to solid waste received from outside the state.

Brief Description: Requiring solid waste reports and landfill fee reciprocity on waste received from outside the state.

Sponsors: Representatives Rust, Horn, Valle, Long, Springer, Brough, Forner, Miller, Edmondson, Lemmon, Tate, Chandler, Wood, Roland and J. Kohl.

Brief History:

Reported by House Committee on:
Environmental Affairs, January 28, 1993, DPS.

HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Rust, Chair; J. Kohl, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Hansen; Holm; L. Johnson; Linville; Roland; and Sheahan.

Staff: Rick Anderson (786-7114).

Background: One regional solid waste landfill is currently operating in Washington state and another is planned to open in 1993. The Rabanco Company is operating a site in Klickitat County with an estimated capacity in excess of 40 million tons. A company owned by Waste Management Incorporated is planned in Adams County with an estimated capacity of 60 million tons. The combined residential, commercial, and industrial waste stream generated in Washington state annually is between four and five million tons.

Two regional landfills, with a total capacity of 100 million tons, are currently operating in Oregon. Seattle currently sends its waste to a facility in Arlington, Oregon. Oregon requires that Seattle's waste meet the same recycling standards that are imposed on in-state waste. Oregon also assesses a \$2.25 per ton fee on Seattle's waste. The fee charged by Oregon is based on a study identifying the additional costs associated with out-of-state waste.

Recent decisions by the Federal Supreme Court have held that solid waste shipments are covered under the Commerce Clause of the U.S. Constitution and that states have the burden of proof in showing that differential fees do not discriminate against commerce on the basis of origin.

Under current law, there are no reporting requirements on out-of-state waste imported into this state nor are there any provisions authorizing the Department of Ecology to assess a fee on such waste. Solid waste generated in this state must meet certain waste reduction and recycling requirements. There are no similar standards for out-of-state waste when it is imported into this state.

To stimulate markets for recycled materials, state agencies are required to procure a specified percentage of goods containing recycled materials. Local governments with supply expenditures greater than one half million dollars are required to set goals and plan for meeting certain procurement goals. Local governments are not required to meet procurement goals. There are no similar procurement standards for out-of-state waste that is imported into this state.

Summary of Substitute Bill: Owners or operators of solid waste disposal facilities are required to notify the Department of Ecology sixty days before receiving solid waste generated from an out-of-state source. Ecology must prepare reporting guidelines. The guidelines must provide for less than sixty day notice for shipments of waste made on an emergency or short-term basis.

The Department of Ecology is directed to identify activities and costs necessary to ensure that out-of-state waste meets all standards required of waste generated within the state. Ecology is directed to assess a fee sufficient to recover the cost of the activities identified by the department. Ecology may delegate authority to implement the identified activities to a local health department.

The Department of Ecology is required to prohibit land disposal and incineration of solid waste generated outside of this state, if the entity generating the waste does not have procurement requirements and waste reduction and recycling requirements comparable to those required in Washington state.

The provisions relating to fees and prohibitions do not apply to contracts entered into prior to March 1, 1992.

Substitute Bill Compared to Original Bill: The substitute bill makes technical and grammatical changes to the reporting requirements.

The substitute bill authorizes Ecology to impose a fee on out-of-state waste if the department finds that the state will incur costs to ensure that the out-of-state waste meets the same standards that are required of waste generated within the state. The

original bill imposed a fee on out-of-state waste only when the exporting state imposed a fee on waste generated in Washington state.

The substitute bill allows Ecology to delegate to local governments the authority to implement any activities necessary to ensure that out-of-state waste meets state standards.

Fiscal Note: Requested January 19, 1993.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Out of state waste should meet equivalent standards required of waste generated within the state. Fees should not be used to discriminate waste based on its (out-of-state) origin.

Testimony Against: None.

Witnesses: Narda Pierce, Department of Ecology; Bill Reed, King County Solid Waste; John Paul Jones, Washington Refuse and Recycling; Ray Hoffman, City of Seattle; Kathleen Collins, Association of Washington Cities; and Jay Freeborne, Washington State Recycling Association.