

FINAL BILL REPORT

SHB 1047

Synopsis as Enacted

C 286 L 93

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

By House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Valle, Long, Springer, Brough, Forner, Miller, Edmondson, Lemmon, Tate, Chandler, Wood, Roland and J. Kohl).

House Committee on Environmental Affairs
Senate Committee on Ecology & Parks

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, and a company owned by Waste Management Incorporated is planning a site in Adams County with an estimated capacity of 60 million tons. The combined residential, commercial, and industrial waste stream generated annually in Washington State is between 4 and 5 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 waste generated in Oregon. 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 U.S. 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 that is imported into this state.

Summary: Owners or operators of solid waste disposal facilities are required to notify the Department of Ecology 60 days before receiving solid waste generated from an out-of-state source. The department must prepare reporting guidelines. The guidelines must provide for less than 60 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 the waste reduction, recycling, and management standards required of waste generated within the state. The department is authorized to assess a fee sufficient to recover its costs incurred in assuring that out-of-state waste meets state standards. The Department of Ecology may delegate authority to implement the identified activities to a local health department.

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

Votes on Final Passage:

House	95	0	
Senate	38	0	(Senate amended)
House	97	0	(House concurred)

Effective: May 12, 1993