

SENATE BILL REPORT

SHB 1047

AS REPORTED BY COMMITTEE ON ECOLOGY & PARKS, MARCH 31, 1993

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

SPONSORS: 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

Majority Report: Do pass as amended.

Signed by Senators Fraser, Chairman; Moore, Sutherland, and Talmadge.

Staff: Shannon Murphy (786-7483)

Hearing Dates: March 22, 1993; March 31, 1993

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 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 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 that 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 \$500,000 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:

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 all standards required of waste generated within the state. The department may assess a fee sufficient to recover the costs incurred in ensuring that out-of-state waste meets equivalent state standards. The Department of Ecology may delegate authority to implement the identified activities to a local health department. All fees assessed are required to be deposited into the solid waste management account.

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 July 1, 1993.

SUMMARY OF PROPOSED SENATE AMENDMENTS:

An intent section is added to the bill. The Department of Ecology is directed to identify activities and costs necessary to ensure that out of state waste meets standards relating to solid waste reduction, recycling and management substantially equivalent to those required of solid waste generated within the state.

The money received from fees imposed under this act are required to be used solely for activities required by this act.

The Department of Ecology may prohibit disposal of waste generated out-of-state unless the generators of waste meet waste reduction and recycling requirements substantially

equivalent to those required of in-state waste generators. Deleted is a requirement relating to procurement standards.

The provision stating that this act does not apply to contracts entered into on or before July 1, 1993 is deleted.

Appropriation: none

Revenue: none

Fiscal Note: requested March 9, 1993

Effective Date: The bill contains an emergency clause and takes effect immediately.

TESTIMONY FOR:

Washington is a national leader in waste reduction and recycling. Currently, Washington does not receive waste generated from outside of the state. With the building of two new landfills, Washington may anticipate waste being disposed that is generated out of state. Out-of-state waste generators should be required to meet standards substantially equivalent to those in-state generators must meet prior to disposal.

TESTIMONY AGAINST: None

TESTIFIED: Bill Vogler, Association of Counties (pro); Pat Dunn, Sanifill (pro)