

HOUSE BILL REPORT

SHB 2960

As Amended by the Senate

Title: An act relating to a permit-by-rule process for solid waste recycling facilities.

Brief Description: Authorizing permits-by-rule for certain solid waste recycling facilities.

Sponsors: By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Mastin and Linville).

Brief History:

Committee Activity:

Agriculture & Ecology: 2/4/98, 2/5/98 [DPS].

Floor Activity:

Passed House: 2/13/98, 97-1.

Senate Amended.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin; Koster; Mastin; Regala and Sump.

Staff: Bill Lynch (786-7092).

Background: After the Department of Ecology has approved a county and city comprehensive solid waste management plan, no solid waste disposal site or disposal facilities may be maintained, established, substantially altered, expanded, or improved until the site operator obtains a permit from the appropriate local health department. The local health department investigates every application for a permit to determine whether all applicable laws and regulations are met, to determine whether the application conforms with the approved comprehensive solid waste handling plan, and if the application complies with all zoning requirements. Permits must be renewed annually. Before renewing a permit, the health department must conduct whatever inspections it deems necessary to ensure that applicable standards and regulations are being met. There are no simplified procedures for granting permits for facilities which are relatively low risk to the public and the environment. As part of a comprehensive review of the state's

solid waste laws in 1997, the Department of Ecology made some initial recommendations about developing a permit-by-rule process.

The applicant or holder of a permit may request a hearing before the local health officer if a solid waste permit is denied or suspended. The hearing must be granted within thirty days of the request for the hearing. The health officer must notify the applicant or holder of the permit of the health officer's decision within 30 days of the hearing. The health officer's determination may be appealed to the Pollution Control Hearings Board (PCHB). There is no requirement for the denial or suspension to be delayed until the appeal process before the PCHB is completed.

Summary of Bill: The Department of Ecology is directed to refine its recommendations contained in its 1997 review of the state's solid waste system, and address: the applicability of a permit-by-rule process for solid waste recycling facilities; consistency of permitting for regional, multi-jurisdictional recycling facilities; the application of best available control technology on a consistent basis, so similar facilities are subject to the same requirements; and methods of integrating facility standards with the recommendations of the study.

If the local health department denies a permit renewal or suspends a permit for an operating waste recycling facility that receives waste from more than one city or county, and the permit applicant or holder requests an appeal, the denial or suspension of the permit does not become effective until the completion of the appeal process with the Pollution Control Hearings Board, unless the local health department finds that continued operation of the facility poses an imminent threat to human health and the environment.

Substitute Bill Compared to Original Bill: The substitute strikes the sections which established a permit-by-rule process, and requests the Department of Ecology to further examine use of the permit-by-rule process as well as some other of its 1997 recommendations. The appeal process is clarified.

EFFECT OF SENATE AMENDMENT(S): If the local health department finds that the continued operation of the waste recycling facility poses a very probably threat to human health and the environment, the permit denial or suspension is not delayed until the appeal process with the Pollution Control Hearings Board is completed. The House bill required the local health department to find an imminent threat to human health and the environment in order for the permit denial or suspension to take effect before completion of the appeal process.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The permit-by-rule process appears to be a promising recommendation by the Department of Ecology, but it needs some refinement. Delaying the effect of a permit by denial until the appeal process is over ensures that a facility won't have lost its customers before the PCHB reverses the local health department. Some customers use landfills instead of having products recycled during this appeal period.

Testimony Against: None.

Testified: Jerry Smedes and Steve Barger, Northwest Cascade (pro); Bill Vogler, WA State Association of Counties (pro); and J.P. Jones, WA Refuse and Recycling Association (pro).