

HOUSE BILL REPORT

HB 1792

As Reported By House Committee On:

Agriculture & Ecology

Title: An act relating to certification of environmental technologies.

Brief Description: Expanding the use of environmental technology pre-certification.

Sponsors: Representatives Chandler, Delvin, Hankins, Mastin, Linville, Veloria, Van Loven, Regala and Grant.

Brief History:

Committee Activity:

Agriculture & Ecology: 2/19/97, 2/27/97 [DPS].

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: Rick Anderson (786-7114).

Background: California has created technology certification programs to verify the performance of various environmental technologies. The purpose of the certification programs are to reduce the amount of project specific review that occurs when evaluating a particular technology. The Department of Ecology participates in a multi-state forum that was formed, in part, to expedite the permitting process for environmental technologies. The California technology certification program does not include certification of technologies related to nuclear and mixed waste remediation. "Mixed waste" contains both nuclear and hazardous waste.

Summary of Substitute Bill: When requested by a project proponent, the Department of Ecology is directed to consider information from another state's technology certification program in making permit decisions relating to air, solid waste, hazardous waste, and water, if the certification program has been approved by the department. Local governments that have received delegated regulatory authority from the department may use information from an approved certification program when making regulatory decisions.

The department is authorized to develop a technology certification program for nuclear and mixed waste remediation technologies, if all program development and operational costs are paid by the federal government or by private entities. When requested by a project proponent, the department must consider the information from its technology certification program when making permit decisions. If the department creates its own certification program, the department may also conduct pilot studies to evaluate the certification of technologies other than nuclear and mixed waste technologies. All costs of a pilot evaluation must be paid by the federal government or by private entities. The department is authorized to adopt rules if it develops a technology certification program and is authorized to charge a fee to recover the operational costs of certifying a technology.

Substitute Bill Compared to Original Bill: The substitute bill clarifies how the department is to use information from the certification program. The department must consider the information in making regulatory decisions. It cannot require duplicative information from a project proponent but may require additional information. The substitute bill also clarifies that the certification program does not signify the department's endorsement of the technology nor does it serve as a guarantee of the performance of the technology. The substitute bill authorizes the department to conduct pilot evaluations of technologies not related to nuclear and mixed wastes and to adopt rules if it establishes its own certification program.

Appropriation: None.

Fiscal Note: Requested on February 18, 1997.

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

Testimony For: Repeated site specific review of new technologies is a significant obstacle to developing new cleanup technologies. This bill reduces the burden of repetitive studies while meeting environmental concerns. The concept of environmental technology certification programs is endorsed by the White House and the Environmental Protection Agency. Washington State should have its own certification program. This bill is a prime example of new thinking that will help the state move to the next level of environmental regulation. Reducing the length of the permitting process is an important issue for the Department of Ecology. The department is working with other states to evaluate the use of technology certification programs as a tool to reduce permitting times.

Testimony Against: There are not a lot of great technologies just waiting to get a permit. The bill is not clear as to how the department will use information from a certification program. This must be clarified. State cleanup standards should not be reduced.

Testified: Jerry Smedes, Washington Environmental Industry Association (pro); Scott Hazelgrove, Association of Washington Businesses (pro); Tom Eaton, Department of Ecology (pro); and Betty Tabbott (con).