

SENATE BILL REPORT

ESHB 1792

As Reported By Senate Committee On:
Agriculture & Environment, April 1, 1997

Title: An act relating to certification of environmental technologies.

Brief Description: Expanding the use of environmental technology precertification.

Sponsors: House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Delvin, Hankins, Mastin, Linville, Veloria, Van Luven, Regala and Grant).

Brief History:

Committee Activity: Agriculture & Environment: 3/26/97, 4/1/97 [DPA].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: Do pass as amended.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Staff: Richard Duggan (786-7414)

Background: Although other states have initiated programs for certifying the performance of environmental technologies, Washington continues to rely on project specific review in its permitting processes. These certification programs evaluate the performance of environmental technologies under a range of conditions. The information developed is then made available to reduce duplicative efforts by environmental permit applicants to justify reliance on a particular technology.

California is among the states which have certification programs in operation. Its program does not include technologies related to nuclear and mixed waste remediation.

Summary of Amended Bill: For the purposes of this legislation, "certification program" is defined as a program, developed or approved by the department, to certify the quantitative performance of an environmental technology over a specified range of parameters and conditions. Certification does not imply endorsement of a specific technology, or guarantee performance.

The Department of Ecology (DOE) is directed to develop a certification program for remediation of mixed and radioactive waste, if all program development and operational costs are paid by the federal government or by persons seeking the certification. It is authorized to use this program on a pilot basis to evaluate the use of certification.

When requested by a project proponent, DOE is required to consider information developed in a certification program in making permit or other regulatory decisions under the following

state laws: the Clean Air Act, the Solid Waste Management Act, the Hazardous Waste Management Act, the Model Toxics Control Act, the Water Pollution Control Act, the Water Resources Act of 1971, the Oil and Hazardous Substance Spill Prevention and Response statutes, and statutes relating to motor vehicle emission control and incinerator ash residue. Additional information may be requested to assure conformance to state law, but not duplicative demonstration of the information developed in the certification program. Local governments with delegated regulatory authority are authorized to use information developed through a certification program.

DOE is directed to charge a reasonable fee to cover certifying costs, and is authorized to adopt rules to implement the certification program development and pilot plan application, and to establish rules and procedures for evaluation and certification of environmental technologies.

The state, DOE, and their employees are relieved of civil liability for damages resulting from certification decisions and information use.

Amended Bill Compared to Substitute Bill: A limitation on civil liability is provided.

Appropriation: None.

Fiscal Note: Requested on March 20, 1997.

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

Testimony For: With authority to become involved in interstate programs for sharing information relating to environmental technologies, duplicative testing and proving could be reduced. Reduced testing and proving will reduce cost, time, and red tape, thereby facilitating environmental pollution prevention and remediation.

Testimony Against: None.

Testified: Dr. Jerry Smedes, Battelle Pacific NW Division (pro); Tom Eaton, Department of Ecology (pro).