

SENATE BILL REPORT

SHB 2960

As Reported By Senate Committee On:
Agriculture & Environment, February 25, 1998

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

Brief History:

Committee Activity: Agriculture & Environment: 2/24/98, 2/25/98 [DP].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: Do pass.

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

Staff: Kari Guy (786-7437)

Background: Solid Waste Permitting Study: In 1997, the Legislature adopted ESHB 1419, directing the Department of Ecology to conduct a comprehensive review of the solid waste permit system for waste handling facilities, and report findings to the Legislature by December 1998. The department reviewed a number of solid waste permitting alternatives, including general permits, permits-by-rule, and model permits.

The permit-by-rule process allows an owner or operator who complies with certain conditions spelled out in the rule to be covered without an individual permit. The owner would be required to notify the local health department, and the local health department would approve the coverage in writing. Use of the permit-by-rule process was not included in the final recommendations of the report to the Legislature.

Permit Appeals: After approval of a county or city solid waste management plan, permits for solid waste handling facilities are issued by the local health department. If a permit is denied or suspended, the applicant or permit holder may request a hearing before the local health officer. Within 30 days of the hearing, the local health officer must notify the applicant of the determination. This determination may be appealed to the Pollution Control Hearings Board.

Summary of Bill: Solid Waste Permitting Study: The Department of Ecology is directed to continue to refine the recommendations contained in the 1997 review of the state's solid waste system, and submit a report to the Legislature by December 1, 1998. The report must 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; and
- Methods of integrating facility standards with the recommendations of the study.

Permit Appeals: If a jurisdictional health department denies a permit renewal or suspends a permit for an operating recycling facility that receives waste from more than one city or county, and an appeal is filed, the permit denial or suspension is not effective until the completion of the appeal process. The denial or suspension may be made effective prior to completion of the appeal process if the local health department finds that the continued operation of the facility poses an imminent threat to human health and environment.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill can promote recycling and needed waste management practices. Currently, there are inconsistent requirements for facilities; the permit-by-rule would increase consistency. If a permit renewal is denied for issues not related to public health, the facility should be able to stay in business until the denial is appealed.

Testimony Against: While supporting the bill, the December 1, 1998, deadline for the report may be difficult for the Department of Ecology to meet.

Testified: Jerry Smedes, Smedes and Associates (pro); Jim Pendowsky, Department of Ecology (pro with concerns); Elizabeth Schrag, Washington State Recycling Association (concerns).