

# FINAL BILL REPORT

## ESSB 6203

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C 156 L 98

Synopsis as Enacted

**Brief Description:** Authorizing exemptions from solid waste designations.

**Sponsors:** Senate Committee on Agriculture & Environment (originally sponsored by Senators Morton, Fraser, Snyder and Swecker).

**Senate Committee on Agriculture & Environment**

**House Committee on Agriculture & Ecology**

**Background:** In the 1997 session, the Legislature adopted ESHB 1419, directing the Department of Ecology to conduct a comprehensive review of the solid waste permit system. The review was to include recommendations for regulating materials in a manner that is commensurate with any risk the material may pose, with the goal of removing barriers to material recycling or reuse.

The Department of Ecology, in conjunction with the state Solid Waste Advisory Committee, completed this review and submitted a report to the Legislature in December 1997. The report included recommendations for both statutory and regulatory changes. Recommended legislative changes included the following:

- Allow *categorical exemptions* for wastes that are recycled that pose no human health or environmental threat.
- Allow *categorical exemptions* for solid waste handling practices that pose no human health or environmental threat.
- Establish a *use review determination process* for materials that are land applied, to determine whether certain materials may be exempt from solid waste regulation.
- Provide local health departments with the option of *deferring to other environmental permits* that adequately address environmental and human health protection.

**Summary:** *Categorical exemptions:* The Department of Ecology may by rule exempt a solid waste from permitting requirements for certain beneficial uses. The department must consider whether the material will be beneficially used, and whether the use will present threats to human health or the environment.

The department may also adopt rules to exempt categories of solid waste handling facilities from the requirement to obtain a solid waste handling permit, if the department determines the facilities pose little or no environmental risk. Facilities that receive municipal solid waste; apply waste to land for disposal; receive mixed waste; or receive materials for composting may not be exempt from permitting.

*Use review determination process:* The Department of Ecology must also establish procedures by rule for seeking a determination that materials not specifically exempted by rule should be exempt from solid waste permitting. The rules must include criteria for making this determination. Application must be made to the Department of Ecology. The Department of Ecology must forward a copy of the application to the local health departments. Within 45 days, the health departments must forward comments to the Department of Ecology which must then approve or disapprove the application.

The Department of Ecology must provide for public and industry notice and an opportunity to comment on each exemption application. Any local health department or applicant may appeal the department's decision to the Pollution Control Hearings Board.

*Deferral to other environmental permits:* The Department of Ecology must develop rules describing when a local health department may defer solid waste permitting to other environmental permits issued for the same facility. A deferral may be done at the option of the local health department, if the health department determines that human health and environmental protection are adequately covered by existing permits.

*Penalties:* Civil penalties of \$1,000 per violation are authorized for any person who is exempt from solid waste permitting but fails to comply with the terms of the exemption.

**Votes on Final Passage:**

Senate	44	3
House	80	18 (House amended)
Senate	46	2 (Senate concurred)

**Effective:** June 11, 1998