
ENGROSSED SUBSTITUTE HOUSE BILL 1419

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Linville and Regala; by request of Department of Ecology)

Read first time 03/05/97.

1 AN ACT Relating to solid waste permit renewal; amending RCW
2 70.95.030, 70.95.170, 70.95.180, and 70.95.190; adding a new section to
3 chapter 70.95 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.95.030 and 1992 c 174 s 16 are each amended to read
6 as follows:

7 As used in this chapter, unless the context indicates otherwise:

8 (1) "City" means every incorporated city and town.

9 (2) "Commission" means the utilities and transportation commission.

10 (3) "Committee" means the state solid waste advisory committee.

11 (4) "Department" means the department of ecology.

12 (5) "Director" means the director of the department of ecology.

13 (6) "Disposal site" means the location where any final treatment,
14 utilization, processing, or deposit of solid waste occurs.

15 (7) "Energy recovery" means a process operating under federal and
16 state environmental laws and regulations for converting solid waste
17 into usable energy and for reducing the volume of solid waste.

1 (8) "Functional standards" means criteria for solid waste handling
2 expressed in terms of expected performance or solid waste handling
3 functions.

4 (9) "Incineration" means a process of reducing the volume of solid
5 waste operating under federal and state environmental laws and
6 regulations by use of an enclosed device using controlled flame
7 combustion.

8 (10) "Jurisdictional health department" means city, county, city-
9 county, or district public health department.

10 (11) "Landfill" means a disposal facility or part of a facility at
11 which solid waste is placed in or on land and which is not a land
12 treatment facility.

13 (12) "Local government" means a city, town, or county.

14 (13) "Modify" means to substantially change the design or
15 operational plans including, but not limited to, removal of a design
16 element previously set forth in a permit application or the addition of
17 a disposal or processing activity that is not approved in the permit.

18 (14) "Multiple family residence" means any structure housing two or
19 more dwelling units.

20 (~~(14)~~) (15) "Person" means individual, firm, association,
21 copartnership, political subdivision, government agency, municipality,
22 industry, public or private corporation, or any other entity
23 whatsoever.

24 (~~(15)~~) (16) "Recyclable materials" means those solid wastes that
25 are separated for recycling or reuse, such as papers, metals, and
26 glass, that are identified as recyclable material pursuant to a local
27 comprehensive solid waste plan. Prior to the adoption of the local
28 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
29 local governments may identify recyclable materials by ordinance from
30 July 23, 1989.

31 (~~(16)~~) (17) "Recycling" means transforming or remanufacturing
32 waste materials into usable or marketable materials for use other than
33 landfill disposal or incineration.

34 (~~(17)~~) (18) "Residence" means the regular dwelling place of an
35 individual or individuals.

36 (~~(18)~~) (19) "Sewage sludge" means a semisolid substance
37 consisting of settled sewage solids combined with varying amounts of
38 water and dissolved materials, generated from a wastewater treatment
39 system, that does not meet the requirements of chapter 70.95J RCW.

1 (~~(19)~~) (20) "Solid waste" or "wastes" means all putrescible and
2 nonputrescible solid and semisolid wastes including, but not limited
3 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
4 demolition and construction wastes, abandoned vehicles or parts
5 thereof, and recyclable materials.

6 (~~(20)~~) (21) "Solid waste handling" means the management, storage,
7 collection, transportation, treatment, utilization, processing, and
8 final disposal of solid wastes, including the recovery and recycling of
9 materials from solid wastes, the recovery of energy resources from
10 solid wastes or the conversion of the energy in solid wastes to more
11 useful forms or combinations thereof.

12 (~~(21)~~) (22) "Source separation" means the separation of different
13 kinds of solid waste at the place where the waste originates.

14 (~~(22)~~) (23) "Vehicle" includes every device physically capable of
15 being moved upon a public or private highway, road, street, or
16 watercourse and in, upon, or by which any person or property is or may
17 be transported or drawn upon a public or private highway, road, street,
18 or watercourse, except devices moved by human or animal power or used
19 exclusively upon stationary rails or tracks.

20 (~~(23)~~) (24) "Waste reduction" means reducing the amount or
21 toxicity of waste generated or reusing materials.

22 **Sec. 2.** RCW 70.95.170 and 1969 ex.s. c 134 s 17 are each amended
23 to read as follows:

24 After approval of the comprehensive solid waste plan by the
25 department no solid waste (~~(disposal site or disposal site)~~) handling
26 facility or facilities shall be maintained, established,
27 (~~(substantially altered, expanded, or improved)~~) or modified until the
28 county, city, or other person operating such site has obtained a permit
29 from the jurisdictional health department pursuant to the provisions of
30 RCW 70.95.180 or 70.95.190.

31 **Sec. 3.** RCW 70.95.180 and 1988 c 127 s 30 are each amended to read
32 as follows:

33 (1) Applications for permits to operate a new or (~~(existing)~~)
34 modified solid waste (~~(disposal sites)~~) handling facility shall be on
35 forms prescribed by the department and shall contain a description of
36 the proposed (~~(and existing)~~) facilities and operations at the site,
37 plans and specifications for any new or additional facilities to be

1 constructed, and such other information as the jurisdictional health
2 department may deem necessary in order to determine whether the site
3 and solid waste disposal facilities located thereon will comply with
4 local and state regulations.

5 (2) Upon receipt of an application for a permit to establish(~~(~~
6 ~~alter, expand, improve, or continue in use))~~ or modify a solid waste
7 (~~(disposal site))~~ handling facility, the jurisdictional health
8 department shall refer one copy of the application to the department
9 which shall report its findings to the jurisdictional health
10 department.

11 (3) The jurisdictional health department shall investigate every
12 application as may be necessary to determine whether (~~(an existing or))~~
13 a proposed or modified site and facilities meet all solid waste, air,
14 and other applicable laws and regulations, and conforms with the
15 approved comprehensive solid waste handling plan, and complies with all
16 zoning requirements.

17 (4) When the jurisdictional health department finds that the permit
18 should be issued, it shall issue such permit. Every application shall
19 be approved or disapproved within ninety days after its receipt by the
20 jurisdictional health department.

21 (5) The jurisdictional board of health may establish reasonable
22 fees for permits and renewal of permits. All permit fees collected by
23 the health department shall be deposited in the treasury and to the
24 account from which the health department's operating expenses are paid.

25 **Sec. 4.** RCW 70.95.190 and 1984 c 123 s 9 are each amended to read
26 as follows:

27 (1) Every permit for ((a)) an existing solid waste ((~~disposal~~
28 ~~site))~~ handling facility shall be renewed ((~~annually~~)) at least every
29 five years on a date ((~~to be~~)) established by the jurisdictional health
30 department having jurisdiction of the site and as specified in the
31 permit. If a permit is to be renewed for longer than one year, the
32 local jurisdictional health department may hold a public hearing before
33 making such a decision. Prior to renewing a permit, the health
34 department shall conduct ((~~such inspections~~)) a review as it deems
35 necessary to assure that the solid waste ((~~disposal site and~~)) handling
36 facility or facilities located on the site continues to meet minimum
37 functional standards of the department, applicable local regulations,
38 and are not in conflict with the approved solid waste management plan.

1 A jurisdictional health department shall approve or disapprove a permit
2 renewal within forty-five days of conducting its review. The
3 department shall review and may appeal the renewal as set forth for the
4 approval of permits in RCW 70.95.185.

5 ~~((A renewal issued under this section shall not be considered valid~~
6 ~~unless it has been reviewed by the department.))~~

7 (2) The jurisdictional board of health may establish reasonable
8 fees for permits reviewed under this section. All permit fees
9 collected by the health department shall be deposited in the treasury
10 and to the account from which the health department's operating
11 expenses are paid.

12 NEW SECTION. Sec. 5. The legislature finds that:

13 (1) The scope of recycling activities in the state have expanded
14 rapidly beyond traditional household materials and into the
15 agricultural, commercial, and industrial sectors of the economy;

16 (2) A significant infrastructure has developed over the past
17 several years to collect, process, remanufacture, and use commodities
18 that would otherwise have been landfilled or incinerated;

19 (3) This infrastructure is linked to, but distinct from, the
20 collection and disposal infrastructure for traditional household,
21 commercial, and industrial wastes;

22 (4) The current solid waste permit system does not distinguish
23 between materials collected and processed for use or reuse and those
24 materials collected for disposal; and

25 (5) A comprehensive review is necessary to evaluate the feasibility
26 of regulating commodities destined for use or reuse in a way that is
27 less burdensome than the current permit system while still protecting
28 public health.

29 NEW SECTION. Sec. 6. A new section is added to chapter 70.95 RCW
30 to read as follows:

31 (1) The department, in conjunction with the solid waste advisory
32 committee, shall conduct a comprehensive review of the solid waste
33 permit system to determine how the use and reuse of materials can be
34 improved. By December 15, 1997, the department shall submit a report
35 to the appropriate standing committees of the legislature that provides
36 specific legislative and regulatory changes to the solid waste permit
37 system. The review shall include, but not be limited to:

1 (a) An analysis of the risks posed by materials destined for
2 disposal and the risks posed by materials destined for use or reuse as
3 a commodity;

4 (b) A method or methods to determine when a material is a solid
5 waste or a commodity; and

6 (c) Recommendations to regulate materials in a manner that is
7 commensurate with any risk the material may pose. These
8 recommendations shall specifically identify the appropriate level of
9 regulation for materials collected for:

10 (i) Use or reuse as a commodity;

11 (ii) Use or reuse as a solid waste; and

12 (iii) Final disposal.

13 (2) The department may recommend to exempt materials from solid
14 waste permitting requirements or to establish general permits for
15 materials or categories of materials.

16 (3) This section does not invalidate the existing authority of the
17 department to exempt waste materials from regulation under this chapter
18 before completing the review required under subsection (1) of this
19 section.

20 (4) The review under subsection (1) of this section shall not
21 include recommendations on the franchise system regulated by the
22 utilities and transportation commission.

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