

---

**SUBSTITUTE HOUSE BILL 2960**

---

**State of Washington**

**55th Legislature**

**1998 Regular Session**

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

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to a permit-by-rule process for solid waste  
2 recycling facilities; amending RCW 70.95.020 and 70.95.210; and  
3 creating a new section.

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

5 **Sec. 1.** RCW 70.95.020 and 1985 c 345 s 2 are each amended to read  
6 as follows:

7 The purpose of this chapter is to establish a comprehensive state-  
8 wide program for solid waste handling, and solid waste recovery and/or  
9 recycling which will prevent land, air, and water pollution and  
10 conserve the natural, economic, and energy resources of this state. To  
11 this end it is the purpose of this chapter:

12 (1) To assign primary responsibility for adequate solid waste  
13 handling to local government, reserving to the state, however, those  
14 functions necessary to assure effective programs throughout the state;

15 (2) To provide for adequate planning for solid waste handling by  
16 local government;

17 (3) To provide for the adoption and enforcement of basic minimum  
18 performance standards for solid waste handling;

1       (4) To encourage the development and operation of waste recycling  
2 facilities needed to accomplish the management priority of waste  
3 recycling, and to promote consistency in the requirements for such  
4 facilities throughout the state;

5       (5) To provide technical and financial assistance to local  
6 governments in the planning, development, and conduct of solid waste  
7 handling programs;

8       (~~(5)~~) (6) To encourage storage, proper disposal, and recycling of  
9 discarded vehicle tires and to stimulate private recycling programs  
10 throughout the state.

11       It is the intent of the legislature that local governments be  
12 encouraged to use the expertise of private industry and to contract  
13 with private industry to the fullest extent possible to carry out solid  
14 waste recovery and/or recycling programs.

15       NEW SECTION.   **Sec. 2.** The department of ecology, in conjunction  
16 with the state solid waste advisory committee, shall continue to refine  
17 their recommendations produced pursuant to the comprehensive review of  
18 the state's solid waste system required under section 6, chapter 213,  
19 Laws of 1997. The department shall submit a report containing the  
20 refined recommendations to the appropriate legislative committees by  
21 December 1, 1998. In refining these recommendations, the department  
22 shall address:

23       (1) The applicability of a permit-by-rule process for solid waste  
24 recycling facilities;

25       (2) Consistency of permitting for regional, multijurisdictional  
26 recycling facilities;

27       (3) The application of best available control technology on a  
28 consistent basis, so that similar recycling facilities are subject to  
29 the same requirements; and

30       (4) Methods of integrating facility standards with the  
31 recommendations from the study.

32       **Sec. 3.** RCW 70.95.210 and 1987 c 109 s 21 are each amended to read  
33 as follows:

34       Whenever the jurisdictional health department denies a permit or  
35 suspends a permit for a solid waste disposal site, it shall, upon  
36 request of the applicant or holder of the permit, grant a hearing on  
37 such denial or suspension within thirty days after the request therefor

1 is made. Notice of the hearing shall be given all interested parties  
2 including the county or city having jurisdiction over the site and the  
3 department. Within thirty days after the hearing, the health officer  
4 shall notify the applicant or the holder of the permit in writing of  
5 his determination and the reasons therefor. Any party aggrieved by  
6 such determination may appeal to the pollution control hearings board  
7 by filing with the hearings board a notice of appeal within thirty days  
8 after receipt of notice of the determination of the health officer.  
9 The hearings board shall hold a hearing in accordance with the  
10 provisions of the Administrative Procedure Act, chapter 34.05 RCW(~~as~~  
11 ~~now or hereafter amended~~). If the jurisdictional health department  
12 denies a permit renewal or suspends a permit for an operating waste  
13 recycling facility that receives waste from more than one city or  
14 county, and the applicant or holder of the permit requests a hearing or  
15 files an appeal under this section, the permit denial or suspension  
16 shall not be effective until the completion of the appeal process under  
17 this section, unless the jurisdictional health department declares that  
18 continued operation of the waste recycling facility poses an imminent  
19 threat to human health and the environment.

--- END ---