
HOUSE BILL 2960

State of Washington

55th Legislature

1998 Regular Session

By Representatives Chandler, Mastin and Linville

Read first time 01/23/98. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to a permit-by-rule process for solid waste
2 recycling facilities; amending RCW 70.95.020, 70.95.180, and 70.95.210;
3 and adding a new section to chapter 70.95 RCW.

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 **Sec. 2.** RCW 70.95.180 and 1997 c 213 s 3 are each amended to read
16 as follows:

17 (1) Applications for permits to operate a new or modified solid
18 waste handling facility shall be on forms prescribed by the department
19 and shall contain a description of the proposed facilities and
20 operations at the site, plans and specifications for any new or
21 additional facilities to be constructed, and such other information as
22 the jurisdictional health department may deem necessary in order to
23 determine whether the site and solid waste disposal facilities located
24 thereon will comply with local and state regulations.

25 (2) Upon receipt of an application for a permit to establish or
26 modify a solid waste handling facility, the jurisdictional health
27 department shall refer one copy of the application to the department
28 which shall report its findings to the jurisdictional health
29 department.

30 (3) The jurisdictional health department shall investigate every
31 application as may be necessary to determine whether a proposed or
32 modified site and facilities meet all solid waste, air, and other
33 applicable laws and regulations, and conforms with the approved
34 comprehensive solid waste handling plan, and complies with all zoning
35 requirements.

36 (4) When the jurisdictional health department finds that the permit
37 should be issued, it shall issue such permit. Every application shall

1 be approved or disapproved within ninety days after its receipt by the
2 jurisdictional health department.

3 (5) Owners or operators who comply with the permit-by-rule
4 requirements in section 3 of this act are exempt from the permit
5 requirements in this section.

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

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.95 RCW
11 to read as follows:

12 (1)(a) An owner or operator may notify the jurisdictional health
13 department to obtain written approval for a permit-by-rule.

14 (b) A facility for which a permit-by-rule has been obtained is
15 subject to inspection by regulatory authorities.

16 (c) The jurisdictional health department may revoke the permit-by-
17 rule if the facility does not meet the conditions in the permit-by-
18 rule.

19 (d) If a permit-by-rule is not issued or is revoked, the owner or
20 operator of the facility is subject to the permitting requirements and
21 penalties in this chapter.

22 (2) Standards for permits-by-rule shall be established by the
23 department.

24 (3) Jurisdictional health departments shall enforce permits-by-
25 rule.

26 (4) The permit-by-rule process in this section is available only
27 for solid waste handling facilities that provide a relatively low risk
28 to human health and the environment, and that meet the management
29 priority of waste recycling.

30 (5) The review and appeal provisions of RCW 70.95.180 apply to
31 permits-by-rule under this section.

32 **Sec. 4.** 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,
17 unless the jurisdictional health department declares that continued
18 operation of the waste recycling facility poses an imminent threat to
19 human health and the environment.

--- END ---