

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1792

55th Legislature
1997 Regular Session

Passed by the House April 21, 1997
Yeas 89 Nays 0

Speaker of the
House of Representatives

Passed by the Senate April 15, 1997
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1792** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 1792

AS AMENDED BY THE SENATE

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Delvin, Hankins, Mastin, Linville, Veloria, Van Luven, Regala and Grant)
Read first time 03/04/97.

1 AN ACT Relating to certification of environmental technologies; and
2 adding new sections to chapter 43.21A RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21A RCW
5 to read as follows:

6 (1) The legislature finds that:

7 (a) New and innovative environmental technologies can help improve
8 environmental quality at lower costs;

9 (b) Current regulatory processes often include permits or approvals
10 that require applicants to duplicate costly technical analysis;

11 (c) The commercialization of innovative environmental technologies
12 can be discouraged due to the costs of repeated environmental analysis;

13 (d) The regulatory process can be improved by sharing and relying
14 on information generated through demonstration projects and technical
15 certification programs; and

16 (e) Other states have developed programs to certify environmental
17 technologies in order to streamline the permitting process and to
18 encourage use of environmental technologies.

19 (2) The legislature therefore declares that the department shall:

1 (a) Review environmental technology certification programs
2 established by other states or federal agencies, and enter into
3 agreements to use the information from these programs if the department
4 finds that this information will improve the efficiency and
5 effectiveness of the state's environmental regulatory process; and

6 (b) Participate in technology demonstration activities that support
7 the state's needs for environmental technology.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A RCW
9 to read as follows:

10 (1) At the request of a project proponent, the department shall
11 consider information developed through a certification program when
12 making permit or other regulatory decisions. The department may not
13 require duplicative demonstration of such information, but may require
14 additional information as necessary to assure that state requirements
15 are met. A local government that has a regulatory authority delegated
16 by the department may use information developed through a certification
17 program when making permit or other regulatory decisions.

18 (2) The department shall develop a certification program for
19 technologies for remediation of radioactive and mixed waste, as those
20 terms are defined in chapter 70.105 RCW, if all program development and
21 operational costs are paid by the federal government or persons seeking
22 certification of the technologies.

23 (3) Following the development of the certification program in
24 subsection (2) of this section, the department may use the policies and
25 procedures of that program on a pilot basis to evaluate the use of
26 certification for site remediation technologies and other environmental
27 technologies, if the operational costs of the certification are paid by
28 the federal government or persons seeking certification of such
29 technologies.

30 (4) The department shall charge a reasonable fee to recover the
31 operational costs of certifying a technology.

32 (5) Subsections (1), (3), and (4) of this section apply to permit
33 and other regulatory decisions made under the following: Chapters
34 70.94, 70.95, 70.105, 70.105D, 70.120, 70.138, 90.48, 90.54, and 90.56
35 RCW.

36 (6) For the purposes of this section, "certification program" means
37 a program, developed or approved by the department, to certify the
38 quantitative performance of an environmental technology over a

1 specified range of parameters and conditions. Certification of a
2 technology does not imply endorsement of a specific technology by the
3 department, or a guarantee of the performance of a technology.

4 (7) The department may adopt rules as necessary to implement the
5 requirements of subsections (2) and (3) of this section, and establish
6 requirements and procedures for evaluation and certification of
7 environmental technologies.

8 (8) The state, the department, and officers and employees of the
9 state shall not be liable for damages resulting from the utilization of
10 information developed through a certification program, or from a
11 decision to certify or deny certification to an environmental
12 technology. Actions of the department under this section are not
13 decisions reviewable under RCW 43.21B.110.

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