
SENATE BILL 5607

State of Washington

55th Legislature

1997 Regular Session

By Senators Rasmussen and Swecker

Read first time 02/03/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to financial responsibility requirements for
2 operators of solid waste landfills; amending RCW 70.95.215; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 70.95.215 and 1985 c 436 s 1 are each amended to read
6 as follows:

7 (1) By July 1, 1987, each holder or applicant of a permit for a
8 landfill disposal facility issued under this chapter shall establish a
9 reserve account to cover the costs of closing the facility in
10 accordance with state and federal regulations. The account shall be
11 designed to ensure that there will be adequate revenue available by the
12 projected date of closure. For facilities described in subsection (3)
13 of this section, the permit applicant or holder shall maintain in
14 addition to the reserve account a cash bond sufficient to fund the full
15 cost of any closure, whether a temporary or permanent closure, required
16 due to an emergency or disaster. Landfill disposal facilities
17 maintained on private property for the sole use of the entity owning
18 the site shall not be required to establish a reserve account if, to
19 the satisfaction of the department, they provide another form of

1 financial assurance adequate to comply with the requirements of this
2 section.

3 (2) By July 1, 1986, the department shall adopt rules under chapter
4 34.05 RCW to implement subsection (1) of this section. The rules shall
5 include but not be limited to:

6 (a) Methods to estimate closure costs, including postclosure
7 monitoring, pollution prevention measures, and any other procedures
8 required under state and federal regulations;

9 (b) Methods to ensure that reserve accounts receive adequate funds,
10 including:

11 (i) Requirements that the reserve account be generated by user
12 fees. However, the department may waive this requirement for existing
13 landfills if user fees would be prohibitively high;

14 (ii) Requirements that moneys be placed in the reserve account on
15 a regular basis and that the reserve account be kept separate from all
16 other accounts; and

17 (iii) Procedures for the department to verify that adequate sums
18 are deposited in the reserve account; and

19 (c) Methods to ensure that other types of financial assurance
20 provided in accordance with subsection (1) of this section are adequate
21 to cover the costs of closing the facility.

22 (3) The permit applicant or holder for each land fill facility
23 whose area of design capacity will exceed one hundred acres and whose
24 horizontal height of design capacity will average one hundred feet or
25 more above existing site elevations shall, in addition to the
26 requirements of subsection (2)(c) of this section, maintain a cash bond
27 sufficient to fund the full cost of a temporary or permanent closure
28 required due to an emergency or disaster.

29 (4) As used in this section, "emergency or disaster" means an event
30 or set of circumstances, resulting from all hazards, whether natural or
31 man-made, that demands immediate action to preserve public health,
32 including but not limited to flood, fire, earthquake, volcanic
33 eruption, or other event that results in any breach of integrity of the
34 landfill.

35 NEW SECTION. Sec. 2. This act is necessary for the immediate
36 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

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