

SENATE BILL REPORT

SB 5729

As Reported By Senate Committee On:
Environmental Quality & Water Resources, February 25, 1999

Title: An act relating to standards for location of certain solid waste landfills.

Brief Description: Establishing parameters for solid waste facility locational standards.

Sponsors: Senators Rasmussen and Swecker.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 2/18/99, 2/25/99 [DPS, DNPS].

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 5729 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, Morton and Swecker.

Minority Report: Do not pass substitute.

Signed by Senator Honeyford.

Staff: Richard Ramsey (786-7412)

Background: The Department of Ecology (DOE) has adopted "minimum functional standards" to describe the performance, design, siting, maintenance, and operating requirements for solid waste landfills. In 1993, the DOE issued its final regulations addressing the minimum functional standards which apply to municipal solid waste landfills. The minimum functional standards which apply to all other types of landfills are covered by rule under a less stringent standard. Local health departments may require more stringent measures for landfill facilities in their jurisdiction.

The current minimal functional standards for municipal solid waste landfills include location criteria, construction and liner requirements, operational standards, and ground and surface water monitoring requirements.

Summary of Substitute Bill: Stringent siting and design standards are specified for large, above-grade landfills. These landfills have a design of greater than 100 acres, average more than 100 feet in height above the existing site and are wholly new facilities. For these facilities, the following new requirements apply:

- (1) must be more than five miles from a national park or a public or private nonprofit zoological park displaying native animals in the native habitats;
- (2) not allowed over designated sole source aquifer;

- (3) must have an impermeable berm constructed around the landfill, large enough to contain all material inside the landfill.

Substitute Bill Compared to Original Bill: The substitute bill removes the landfill siting limitations related to a drinking water well (within 2000 feet), a residential property line (within 1000 feet), a stream, lake or pond (within 1000 feet), and a local or state park (five miles). Added to the limits is the constraint that a landfill may not be sited within five miles of a public or private nonprofit zoological park displaying native animals in the native habitats.

Appropriation: None.

Fiscal Note: Requested on February 17, 1999.

Effective Date: This bill has an emergency clause and takes effect immediately.

Testimony For: The state needs a stronger policy for siting landfills. A recent Ninth Circuit Court decision makes this bill necessary; if not, the state could end up with an unpermitted landfill.

Testimony Against: Landfill siting is the single most difficult decision county commissioners make. This restriction in this bill may preclude any future siting in the state, certainly in western Washington. Landfill decisions should be made based on science and not politics. The state should retain and adhere to the standard setting process in Chapter 70.95 RCW.

Testified: Senator Marilyn Rasmussen, prime sponsor (pro); Senator Dan Swecker, sponsor (pro); Viki Steiner, Jerry Hanson, Jill Kruger, Joyce Moss, CROWD (pro); Bill Vogler, WA State Assn. of Counties (concerns); J.P. Jones, WA Refuse and Recycling Assn. (con); David Hellyer, Dave Ellis, NW Trek (pro); Laurie Davies, Sue Mauermann, Ecology (concerns).