

---

**SUBSTITUTE SENATE BILL 5729**

---

**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Environmental Quality & Water Resources  
(originally sponsored by Senators Rasmussen and Swecker)

Read first time 02/26/1999. Referred to Committee on .

1 AN ACT Relating to standards for location of certain solid waste  
2 landfills; amending RCW 70.95.060; and declaring an emergency.

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

4 **Sec. 1.** RCW 70.95.060 and 1969 ex.s. c 134 s 6 are each amended to  
5 read as follows:

6 (1) The department ((in accordance with procedures prescribed by  
7 the Administrative Procedure Act, chapter 34.05 RCW, as now or  
8 hereafter amended, may)) shall adopt ((such)) rules establishing  
9 minimum functional standards for solid waste handling ((as it deems  
10 appropriate)), consistent with the standards specified in this section.  
11 The department ((in adopting such standards)) may classify areas of the  
12 state with respect to population density, climate, geology, and other  
13 relevant factors bearing on solid waste disposal standards.

14 (2) In addition to the minimum functional standards adopted by the  
15 department under subsection (1) of this section, each landfill facility  
16 whose area at its design capacity will exceed one hundred acres and  
17 whose horizontal height at design capacity will average one hundred  
18 feet or more above existing site elevations shall comply with the  
19 standards of this subsection. This subsection applies only to wholly

1 new solid waste landfill facilities, no part or unit of which has had  
2 construction commence before the effective date of this section.

3 (a) No landfill specified in this subsection may be located:

4 (i) So that the active area is closer than five miles to any  
5 national park or a public or private nonprofit zoological park  
6 displaying native animals in their native habitats; or

7 (ii) Over a sole source aquifer designated under the federal safe  
8 drinking water act, if such designation was effective before January 1,  
9 1999.

10 (b) Each landfill specified in this subsection (2) shall be  
11 constructed with an impermeable berm around the entire perimeter of the  
12 active area of the landfill of such height, thickness, and design as  
13 will be sufficient to contain all material disposed in the event of a  
14 complete failure of the structural integrity of the landfill.

15 NEW SECTION. Sec. 2. This act is necessary for the immediate  
16 preservation of the public peace, health, or safety, or support of the  
17 state government and its existing public institutions, and takes effect  
18 immediately.

--- END ---