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SENATE BILL 5730

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State of Washington

56th Legislature

1999 Regular Session

By Senators Rasmussen and Swecker

Read first time . Referred to Committee on .

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. Landfill disposal facilities maintained on  
13 private property for the sole use of the entity owning the site shall  
14 not be required to establish a reserve account if, to the satisfaction  
15 of the department, they provide another form of financial assurance  
16 adequate to comply with the requirements of this section.

17 (2) By July 1, 1986, the department shall adopt rules under chapter  
18 34.05 RCW to implement subsection (1) of this section. The rules shall  
19 include but not be limited to:

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

4 (b) Methods to ensure that reserve accounts receive adequate funds,  
5 including:

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

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

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

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

17 (3) In addition to the reserve account required under subsections  
18 (1) and (2) of this section, each holder or applicant for a new, above-  
19 ground landfill disposal facility shall demonstrate sufficient  
20 financial capability to provide for any temporary or permanent facility  
21 clean up and closure due to an unforeseen emergency event that results  
22 in a breach of integrity of the landfill. This financial assurance  
23 requirement shall be incorporated as a condition of the permit issued  
24 for the facility by the jurisdictional health department. The  
25 condition shall be jointly reviewed and approved by the department of  
26 ecology and the jurisdictional health department.

27 For purposes of this subsection, new, above-ground landfill  
28 disposal facilities are those: (a) That exceed one hundred acres; (b)  
29 whose horizontal height at design capacity averages one hundred feet or  
30 more above existing site elevations; and (c) no part or unit of which  
31 has had construction commence before the effective date of this  
32 section.

33 (4) By January 1, 2000, the department shall adopt rules under  
34 chapter 34.05 RCW to implement subsection (3) of this section. The  
35 rules shall include methods to: (a) Select the appropriate financial  
36 instrument to demonstrate financial assurance, such as insurance,  
37 self-insurance, surety bond, funded account, or other means; and (b)  
38 determine the required level of financial responsibility throughout the

1 life of the facility, commensurate with the risks posed at each stage  
2 of the facility's life.

3 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
4 preservation of the public peace, health, or safety, or support of the  
5 state government and its existing public institutions, and takes effect  
6 immediately.

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