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SENATE BILL 6814

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State of Washington

56th Legislature

2000 Regular Session

By Senator Jacobsen

Read first time 02/01/2000. Referred to Committee on Environmental Quality & Water Resources.

1 AN ACT Relating to protection of the Columbia river from  
2 contamination by improper storage or disposal of mixed radioactive and  
3 dangerous wastes and the release or threatened release of hazardous  
4 substances; adding new sections to chapter 70.105 RCW; creating a new  
5 section; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that contamination  
8 from mixed wastes improperly disposed in the soil at the federal  
9 Hanford nuclear reservation, or from mixed wastes stored at that  
10 facility in tanks that are out of compliance with the provisions of  
11 chapter 70.105 RCW and the federal resource conservation and recovery  
12 Act, 42 U.S.C. Sec. 6921 et seq., are contaminating the state's ground  
13 water and are moving towards the Columbia river. Leaks from the high-  
14 level nuclear waste tank systems pose unprecedented threats to our  
15 state's natural resources as well as the threat of catastrophic release  
16 of wastes and threat to human health.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.105 RCW  
18 to read as follows:

1 (1) No mixed wastes may be added to any storage tank or systems of  
2 storage tanks that have been found by the department not to be in  
3 compliance with this chapter, or that are the subject of any order,  
4 decree, or consent agreement for closure, characterization, monitoring,  
5 or remediation under this chapter or chapter 70.105D RCW, until the  
6 terms of such order, decree, or consent agreement have been fully  
7 complied with and the director certifies that the tanks or tank systems  
8 have been closed or are in full compliance with the requirements of  
9 this chapter for tanks storing dangerous waste.

10 (2) The director may by administrative order exempt from the  
11 prohibition in subsection (1) of this section mixed wastes that are  
12 generated as the result of remediation or closure activities pursuant  
13 to a consent agreement, order, or decree issued or entered into under  
14 this chapter or chapter 70.105D RCW.

15 (3) As used in this section and sections 3 and 4 of this act,  
16 "mixed waste" means a dangerous waste that contains both a  
17 nonradioactive hazardous component and source, spent nuclear, or by-  
18 product material subject to the federal atomic energy act of 1954, 42  
19 U.S.C. Sec. 2014 et seq.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.105 RCW  
21 to read as follows:

22 (1) The department by administrative order shall prohibit the  
23 disposal of any solid or dangerous waste or hazardous substances to a  
24 facility that the department has information leading to a reasonable  
25 belief may contain mixed wastes, where the facility does not meet the  
26 requirements of this chapter for the construction, operation, and  
27 permitting of dangerous waste disposal facilities, or that has not been  
28 fully characterized and is subject to monitoring for releases or  
29 threatened releases of hazardous substances under this chapter.

30 (2) The department shall not issue any permit for the construction  
31 and operation of a land disposal facility containing mixed wastes where  
32 the facility is contiguous to, in near proximity to, or that the  
33 department has identified plumes of contaminants in the soil or ground  
34 water beneath the facility from a hazardous substance release.

35 (3) No land disposal facility for wastes may be operated or  
36 constructed that is contiguous to, in near proximity to, or for which  
37 the department has identified plumes of contaminants in the soil or  
38 ground water beneath the facility from another facility containing

1 mixed wastes, or where a hazardous substance release from such a land  
2 disposal facility has the potential for a release of hazardous  
3 substances that may reasonably be projected as having the potential to  
4 contaminate the ground water or soil under or in the immediate vicinity  
5 of a landfill containing mixed wastes.

6 (4) The director shall not segregate land disposal facility units  
7 contiguous to landfills containing mixed wastes in any permit issued  
8 under this chapter.

9 (5) The director may by administrative order exempt from the  
10 prohibition of this section against adding wastes to a landfill or  
11 solid waste management unit containing mixed wastes, those wastes that  
12 are generated as the result of remediation or closure activities  
13 pursuant to a consent agreement, order, or decree issued or entered  
14 into under this chapter or chapter 70.105D RCW if the director finds  
15 there is no reasonable alternative for disposal.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.105 RCW  
17 to read as follows:

18 No person may dispose of radioactive mixed waste in any landfill or  
19 land disposal unit at any location in the state unless such disposal is  
20 for wastes generated, released from, or stored at the facility as of  
21 the effective date of this section, and disposal is conducted pursuant  
22 to an order of the department, a decree entered into by the department  
23 for the remediation or closure of the facility, or an order of, or  
24 federal facility agreement entered into by, the United States  
25 environmental protection agency.

26 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
27 preservation of the public peace, health, or safety, or support of the  
28 state government and its existing public institutions, and takes effect  
29 immediately.

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