
SENATE BILL 5401

State of Washington

57th Legislature

2001 Regular Session

By Senators Patterson and Finkbeiner; by request of Governor Locke

Read first time 01/22/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to the elimination of boards and commissions;
2 amending RCW 41.60.150, 70.95.030, and 70.105D.030; reenacting and
3 amending RCW 43.20A.360; adding a new section to chapter 18.48 RCW;
4 adding a new section to chapter 43.41 RCW; adding a new section to
5 chapter 70.95 RCW; adding a new section to chapter 70.105D RCW;
6 creating new sections; repealing RCW 18.48.060, 41.60.010, 41.60.015,
7 41.60.020, 41.60.030, 41.60.041, 41.60.050, 41.60.080, 41.60.100,
8 41.60.110, 41.60.120, 41.60.160, 41.60.910, 41.60.911, 43.20A.370,
9 43.20A.375, 43.20A.380, 50.67.010, 50.67.020, 50.67.030, 70.95.040,
10 70.95.050, 77.70.030, and 77.70.270; providing an effective date; and
11 declaring an emergency.

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

13 **PART 1**

14 **ADULT FAMILY HOME ADVISORY COMMITTEE**

15 NEW SECTION. **Sec. 101.** RCW 18.48.060 (Advisory committee--
16 Composition--Vacancies--Meetings--Travel expenses--Civil immunity) and
17 2000 c 171 s 18 & 1998 c 272 s 8 are each repealed.

- 1 (4) RCW 41.60.030 (Employee suggestion program--Determination of
2 award) and 1999 c 50 s 4, 1982 c 167 s 8, & 1965 ex.s. c 142 s 3;
- 3 (5) RCW 41.60.041 (Employee suggestion program--Amount and payment
4 of award--Transfer of funds to general fund) and 1999 c 50 s 5, 1989 c
5 56 s 1, 1987 c 387 s 3, 1985 c 114 s 2, & 1982 c 167 s 9;
- 6 (6) RCW 41.60.050 (Appropriations for administrative costs) and
7 1991 sp.s. c 16 s 918, 1987 c 387 s 4, 1985 c 114 s 3, 1983 c 54 s 3,
8 1982 c 167 s 11, 1975-'76 2nd ex.s. c 122 s 3, 1969 ex.s. c 152 s 6, &
9 1965 ex.s. c 142 s 5;
- 10 (7) RCW 41.60.080 (Employee suggestion program--Contests to
11 encourage participation) and 1999 c 50 s 6, 1982 c 167 s 12, & 1975-'76
12 2nd ex.s. c 122 s 5;
- 13 (8) RCW 41.60.100 (Employee teamwork incentive program--
14 Applications) and 1999 c 50 s 7, 1993 c 467 s 4, 1989 c 56 s 2, 1987 c
15 387 s 5, 1985 c 114 s 4, & 1982 c 167 s 2;
- 16 (9) RCW 41.60.110 (Employee teamwork incentive program--Evaluation
17 of savings) and 1999 c 50 s 8, 1993 c 467 s 5, 1989 c 56 s 3, 1987 c
18 387 s 6, 1985 c 114 s 5, & 1982 c 167 s 3;
- 19 (10) RCW 41.60.120 (Employee teamwork incentive program--Awards)
20 and 1999 c 50 s 9, 1993 c 467 s 6, 1989 c 56 s 4, 1987 c 387 s 7, 1985
21 c 114 s 6, & 1982 c 167 s 4;
- 22 (11) RCW 41.60.160 (Persons ineligible for awards) and 1993 c 467
23 s 7 & 1987 c 387 s 8;
- 24 (12) RCW 41.60.910 (Severability--1975-'76 2nd ex.s. c 122) and
25 1975-'76 2nd ex.s. c 122 s 9; and
- 26 (13) RCW 41.60.911 (Effective dates--1987 c 387) and 1987 c 387 s
27 11.

28 NEW SECTION. **Sec. 203.** A new section is added to chapter 43.41
29 RCW to read as follows:

30 The office of financial management, in consultation with the
31 department of personnel and employee organizations, shall establish
32 program guidelines, objectives, and appropriate accounting controls for
33 a statewide employee suggestion program to be administered by
34 individual agencies. The program shall include both an individual
35 employee suggestion program and a team incentive program, and provide
36 monetary incentives. The program shall be designed to promote
37 productivity suggestions that are linked to an agency's quality
38 improvement program and its performance goals and objectives.

1 PART 3

2 DEPARTMENT OF SOCIAL AND HEALTH SERVICES

3 REGIONAL ADVISORY COMMITTEES

4 Sec. 301. RCW 43.20A.360 and 1989 1st ex.s. c 9 s 214 and 1989 c
5 11 s 14 are each reenacted and amended to read as follows:

6 (1) The secretary is hereby authorized to appoint such advisory
7 committees or councils as may be required by any federal legislation as
8 a condition to the receipt of federal funds by the department. The
9 secretary may appoint statewide committees or councils in the following
10 subject areas: (a) Health facilities; (b) children and youth services;
11 (c) blind services; (d) medical and health care; (e) drug abuse and
12 alcoholism; (f) social services; (g) economic services; (h) vocational
13 services; (i) rehabilitative services; and on such other subject
14 matters as are or come within the department's responsibilities. ((The
15 secretary shall appoint committees or councils advisory to the
16 department in each service delivery region to be designated by the
17 secretary.)) The statewide ((and the regional)) councils shall have
18 representation from both major political parties and shall have
19 substantial consumer representation. Such committees or councils shall
20 be constituted as required by federal law or as the secretary in his or
21 her discretion may determine. The members of the committees or
22 councils shall hold office for three years except in the case of a
23 vacancy, in which event appointment shall be only for the remainder of
24 the unexpired term for which the vacancy occurs. No member shall serve
25 more than two consecutive terms.

26 (2) Members of such state advisory committees or councils may be
27 paid their travel expenses in accordance with RCW 43.03.050 and
28 43.03.060 as now existing or hereafter amended. ((Members of regional
29 advisory committees may, in the discretion of the secretary, be paid
30 the same travel expenses as set forth above.))

31 (3) The secretary, in consultation with affected constituent
32 groups, shall establish appropriate public involvement and outreach
33 mechanisms designed to ensure effective communication relating to the
34 programs, policies, and operations of the department, from both a
35 regional and statewide perspective.

1 organic solid waste under uncontrolled conditions does not result in
2 composted material.

3 ~~((+5))~~ (4) "Department" means the department of ecology.

4 ~~((+6))~~ (5) "Director" means the director of the department of
5 ecology.

6 ~~((+7))~~ (6) "Disposal site" means the location where any final
7 treatment, utilization, processing, or deposit of solid waste occurs.

8 ~~((+8))~~ (7) "Energy recovery" means a process operating under
9 federal and state environmental laws and regulations for converting
10 solid waste into usable energy and for reducing the volume of solid
11 waste.

12 ~~((+9))~~ (8) "Functional standards" means criteria for solid waste
13 handling expressed in terms of expected performance or solid waste
14 handling functions.

15 ~~((+10))~~ (9) "Incineration" means a process of reducing the volume
16 of solid waste operating under federal and state environmental laws and
17 regulations by use of an enclosed device using controlled flame
18 combustion.

19 ~~((+11))~~ (10) "Jurisdictional health department" means city,
20 county, city-county, or district public health department.

21 ~~((+12))~~ (11) "Landfill" means a disposal facility or part of a
22 facility at which solid waste is placed in or on land and which is not
23 a land treatment facility.

24 ~~((+13))~~ (12) "Local government" means a city, town, or county.

25 ~~((+14))~~ (13) "Modify" means to substantially change the design or
26 operational plans including, but not limited to, removal of a design
27 element previously set forth in a permit application or the addition of
28 a disposal or processing activity that is not approved in the permit.

29 ~~((+15))~~ (14) "Multiple family residence" means any structure
30 housing two or more dwelling units.

31 ~~((+16))~~ (15) "Person" means individual, firm, association,
32 copartnership, political subdivision, government agency, municipality,
33 industry, public or private corporation, or any other entity
34 whatsoever.

35 ~~((+17))~~ (16) "Recyclable materials" means those solid wastes that
36 are separated for recycling or reuse, such as papers, metals, and
37 glass, that are identified as recyclable material pursuant to a local
38 comprehensive solid waste plan. Prior to the adoption of the local
39 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),

1 local governments may identify recyclable materials by ordinance from
2 July 23, 1989.

3 ~~((18))~~ (17) "Recycling" means transforming or remanufacturing
4 waste materials into usable or marketable materials for use other than
5 landfill disposal or incineration.

6 ~~((19))~~ (18) "Residence" means the regular dwelling place of an
7 individual or individuals.

8 ~~((20))~~ (19) "Sewage sludge" means a semisolid substance
9 consisting of settled sewage solids combined with varying amounts of
10 water and dissolved materials, generated from a wastewater treatment
11 system, that does not meet the requirements of chapter 70.95J RCW.

12 ~~((21))~~ (20) "Soil amendment" means any substance that is intended
13 to improve the physical characteristics of the soil, except composted
14 material, commercial fertilizers, agricultural liming agents,
15 unmanipulated animal manures, unmanipulated vegetable manures, food
16 wastes, food processing wastes, and materials exempted by rule of the
17 department, such as biosolids as defined in chapter 70.95J RCW and
18 wastewater as regulated in chapter 90.48 RCW.

19 ~~((22))~~ (21) "Solid waste" or "wastes" means all putrescible and
20 nonputrescible solid and semisolid wastes including, but not limited
21 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
22 demolition and construction wastes, abandoned vehicles or parts
23 thereof, and recyclable materials.

24 ~~((23))~~ (22) "Solid waste handling" means the management, storage,
25 collection, transportation, treatment, utilization, processing, and
26 final disposal of solid wastes, including the recovery and recycling of
27 materials from solid wastes, the recovery of energy resources from
28 solid wastes or the conversion of the energy in solid wastes to more
29 useful forms or combinations thereof.

30 ~~((24))~~ (23) "Source separation" means the separation of different
31 kinds of solid waste at the place where the waste originates.

32 ~~((25))~~ (24) "Vehicle" includes every device physically capable of
33 being moved upon a public or private highway, road, street, or
34 watercourse and in, upon, or by which any person or property is or may
35 be transported or drawn upon a public or private highway, road, street,
36 or watercourse, except devices moved by human or animal power or used
37 exclusively upon stationary rails or tracks.

38 ~~((26))~~ (25) "Waste-derived soil amendment" means any soil
39 amendment as defined in this chapter that is derived from solid waste

1 as defined in RCW 70.95.030, but does not include biosolids or
2 biosolids products regulated under chapter 70.95J RCW or wastewaters
3 regulated under chapter 90.48 RCW.

4 (~~(27)~~) (26) "Waste reduction" means reducing the amount or
5 toxicity of waste generated or reusing materials.

6 NEW SECTION. **Sec. 602.** The following acts or parts of acts are
7 each repealed:

8 (1) RCW 70.95.040 (Solid waste advisory committee--Members--
9 Meetings--Travel expenses--"Governor's award of excellence") and 1991
10 c 319 s 401, 1987 c 115 s 1, 1982 c 108 s 1, & 1977 c 10 s 1; and

11 (2) RCW 70.95.050 (Solid waste advisory committee--Staff services
12 and facilities) and 1969 ex.s. c 134 s 5.

13 NEW SECTION. **Sec. 603.** A new section is added to chapter 70.95
14 RCW to read as follows:

15 In consultation with affected constituent groups, the director
16 shall establish appropriate public involvement and outreach mechanisms
17 designed to provide the department with effective public input on
18 programs and policies relating to solid and dangerous waste management.

19 **PART 7**

20 **REGIONAL CITIZEN'S ADVISORY COMMITTEES**

21 **MODEL TOXICS CONTROL ACT**

22 **Sec. 701.** RCW 70.105D.030 and 1997 c 406 s 3 are each amended to
23 read as follows:

24 (1) The department may exercise the following powers in addition to
25 any other powers granted by law:

26 (a) Investigate, provide for investigating, or require potentially
27 liable persons to investigate any releases or threatened releases of
28 hazardous substances, including but not limited to inspecting,
29 sampling, or testing to determine the nature or extent of any release
30 or threatened release. If there is a reasonable basis to believe that
31 a release or threatened release of a hazardous substance may exist, the
32 department's authorized employees, agents, or contractors may enter
33 upon any property and conduct investigations. The department shall
34 give reasonable notice before entering property unless an emergency
35 prevents such notice. The department may by subpoena require the

1 attendance or testimony of witnesses and the production of documents or
2 other information that the department deems necessary;

3 (b) Conduct, provide for conducting, or require potentially liable
4 persons to conduct remedial actions (including investigations under (a)
5 of this subsection) to remedy releases or threatened releases of
6 hazardous substances. In carrying out such powers, the department's
7 authorized employees, agents, or contractors may enter upon property.
8 The department shall give reasonable notice before entering property
9 unless an emergency prevents such notice. In conducting, providing for,
10 or requiring remedial action, the department shall give preference to
11 permanent solutions to the maximum extent practicable and shall provide
12 for or require adequate monitoring to ensure the effectiveness of the
13 remedial action;

14 (c) Indemnify contractors retained by the department for carrying
15 out investigations and remedial actions, but not for any contractor's
16 reckless or wilful misconduct;

17 (d) Carry out all state programs authorized under the federal
18 cleanup law and the federal resource, conservation, and recovery act,
19 42 U.S.C. Sec. 6901 et seq., as amended;

20 (e) Classify substances as hazardous substances for purposes of RCW
21 70.105D.020(7) and classify substances and products as hazardous
22 substances for purposes of RCW 82.21.020(1);

23 (f) Issue orders or enter into consent decrees or agreed orders
24 that include, or issue written opinions under (i) of this subsection
25 that may be conditioned upon, deed restrictions where necessary to
26 protect human health and the environment from a release or threatened
27 release of a hazardous substance from a facility. Prior to
28 establishing a deed restriction under this subsection, the department
29 shall notify and seek comment from a city or county department with
30 land use planning authority for real property subject to a deed
31 restriction;

32 (g) Enforce the application of permanent and effective
33 institutional controls that are necessary for a remedial action to be
34 protective of human health and the environment;

35 (h) Require holders to conduct remedial actions necessary to abate
36 an imminent or substantial endangerment pursuant to RCW
37 70.105D.020(12)(b)(ii)(C);

38 (i) Provide informal advice and assistance to persons regarding the
39 administrative and technical requirements of this chapter. This may

1 include site-specific advice to persons who are conducting or otherwise
2 interested in independent remedial actions. Any such advice or
3 assistance shall be advisory only, and shall not be binding on the
4 department. As a part of providing this advice and assistance for
5 independent remedial actions, the department may prepare written
6 opinions regarding whether the independent remedial actions or
7 proposals for those actions meet the substantive requirements of this
8 chapter or whether the department believes further remedial action is
9 necessary at the facility. The department may collect, from persons
10 requesting advice and assistance, the costs incurred by the department
11 in providing such advice and assistance; however, the department shall,
12 where appropriate, waive collection of costs in order to provide an
13 appropriate level of technical assistance in support of public
14 participation. The state, the department, and officers and employees
15 of the state are immune from all liability, and no cause of action of
16 any nature may arise from any act or omission in providing, or failing
17 to provide, informal advice and assistance; and

18 (j) Take any other actions necessary to carry out the provisions of
19 this chapter, including the power to adopt rules under chapter 34.05
20 RCW.

21 (2) The department shall immediately implement all provisions of
22 this chapter to the maximum extent practicable, including investigative
23 and remedial actions where appropriate. The department shall adopt,
24 and thereafter enforce, rules under chapter 34.05 RCW to:

25 (a) Provide for public participation, including at least (i) ~~((the~~
26 ~~establishment of regional citizen's advisory committees, (ii))~~ public
27 notice of the development of investigative plans or remedial plans for
28 releases or threatened releases ~~((7))~~ and ~~((iii))~~ (ii) concurrent
29 public notice of all compliance orders, agreed orders, enforcement
30 orders, or notices of violation;

31 (b) Establish a hazard ranking system for hazardous waste sites;

32 (c) Provide for requiring the reporting by an owner or operator of
33 releases of hazardous substances to the environment that may be a
34 threat to human health or the environment within ninety days of
35 discovery, including such exemptions from reporting as the department
36 deems appropriate, however this requirement shall not modify any
37 existing requirements provided for under other laws;

38 (d) Establish reasonable deadlines not to exceed ninety days for
39 initiating an investigation of a hazardous waste site after the

1 department receives notice or otherwise receives information that the
2 site may pose a threat to human health or the environment and other
3 reasonable deadlines for remedying releases or threatened releases at
4 the site;

5 (e) Publish and periodically update minimum cleanup standards for
6 remedial actions at least as stringent as the cleanup standards under
7 section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at
8 least as stringent as all applicable state and federal laws, including
9 health-based standards under state and federal law; and

10 (f) Apply industrial clean-up standards at industrial properties.
11 Rules adopted under this subsection shall ensure that industrial
12 properties cleaned up to industrial standards cannot be converted to
13 nonindustrial uses without approval from the department. The
14 department may require that a property cleaned up to industrial
15 standards is cleaned up to a more stringent applicable standard as a
16 condition of conversion to a nonindustrial use. Industrial clean-up
17 standards may not be applied to industrial properties where hazardous
18 substances remaining at the property after remedial action pose a
19 threat to human health or the environment in adjacent nonindustrial
20 areas.

21 (3) Before November 1st of each even-numbered year, the department
22 shall develop, with public notice and hearing, and submit to the ways
23 and means and appropriate standing environmental committees of the
24 senate and house of representatives a ranked list of projects and
25 expenditures recommended for appropriation from both the state and
26 local toxics control accounts. The department shall also provide the
27 legislature and the public each year with an accounting of the
28 department's activities supported by appropriations from the state
29 toxics control account, including a list of known hazardous waste sites
30 and their hazard rankings, actions taken and planned at each site, how
31 the department is meeting its top two management priorities under RCW
32 70.105.150, and all funds expended under this chapter.

33 (4) The department shall establish a scientific advisory board to
34 render advice to the department with respect to the hazard ranking
35 system, cleanup standards, remedial actions, deadlines for remedial
36 actions, monitoring, the classification of substances as hazardous
37 substances for purposes of RCW 70.105D.020(7) and the classification of
38 substances or products as hazardous substances for purposes of RCW
39 82.21.020(1). The board shall consist of five independent members to

1 serve staggered three-year terms. No members may be employees of the
2 department. Members shall be reimbursed for travel expenses as
3 provided in RCW 43.03.050 and 43.03.060.

4 (5) The department shall establish a program to identify potential
5 hazardous waste sites and to encourage persons to provide information
6 about hazardous waste sites.

7 NEW SECTION. **Sec. 702.** A new section is added to chapter 70.105D
8 RCW to read as follows:

9 In consultation with affected constituent groups, the director
10 shall establish appropriate public involvement and outreach mechanisms
11 designed to provide the department with effective public input on
12 programs and policies relating to the management and control of
13 hazardous substances.

14 **PART 8**

15 **SEA URCHIN AND SEA CUCUMBER ADVISORY REVIEW BOARD**

16 **COASTAL CRAB ADVISORY REVIEW BOARD**

17 NEW SECTION. **Sec. 801.** RCW 77.70.030 (Advisory review boards) and
18 2000 c 107 s 57, 1999 c 151 s 1601, & 1995 c 269 s 3101 are each
19 repealed.

20 **PART 9**

21 **OCEAN PINK SHRIMP ADVISORY REVIEW BOARD**

22 NEW SECTION. **Sec. 901.** RCW 77.70.270 (Ocean pink shrimp--Delivery
23 license--Reduction of landing requirement) and 2000 c 107 s 75 & 1993
24 c 376 s 10 are each repealed.

25 **PART 10**

26 **SHORELINES GUIDELINES COMMISSION**

27 NEW SECTION. **Sec. 1001.** By July 1, 2001, the director of the
28 department of ecology shall abolish the shorelines guidelines
29 commission.

30 **PART 11**

31 **WETLANDS MITIGATION BANKING ADVISORY TEAM**

