

HOUSE BILL REPORT

HB 1743

As Reported by House Committee On:
Fisheries, Ecology & Parks

Title: An act relating to hazardous waste.

Brief Description: Addressing problems of hazardous waste facilities.

Sponsors: Representatives Cooper, Upthegrove, Sump, Pearson and Anderson; by request of Department of Ecology.

Brief History:

Committee Activity:

Fisheries, Ecology & Parks: 2/18/03, 2/25/03 [DPS].

Brief Summary of Substitute Bill

- Directs the Department of Ecology (DOE) to report to the Legislature by December 31, 2003 on following requirements: (1) recommended requirements for financial assurance to close and clean up hazardous waste management facilities, used oil processors, and recyclers; (2) requirements for liability insurance; (3) authorization of off-site recycling and used oil processors; and (4) information on a fee-based system to support the DOE's program.
- Establishes legislative intent that by July 1, 2005 all off-site used oil and recycling activities will have financial assurance and pollution liability insurance in place.

HOUSE COMMITTEE ON FISHERIES, ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Cooper, Chair; Berkey, Vice Chair; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck, Hatfield, O'Brien and Pearson.

Minority Report: Do not pass. Signed by 1 member: Representative Upthegrove.

Staff: Jeff Olsen (786-7157).

Background:

The Department of Ecology (DOE) has statutory authority to assure that needed hazardous waste management facilities are sited in the state and ensure the safe operation of those facilities. The DOE's Hazardous Waste Program administers the permitting of hazardous waste facilities and also requires financial requirements for certain facilities for cleanup and closure of the site.

The 2001 Legislature directed the DOE to assess state and federal requirements concerning hazardous waste management facilities. Problems identified by the DOE include lack of financial responsibility coverage for certain activities at waste management facilities, out-of-date regulations, limited ability to address environmental concerns, lack of public information, and lack of resources for permitting and compliance.

The September 2002 Hazardous Waste Management Facilities report contains three options for addressing concerns with hazardous waste facilities. The options were reviewed by stakeholders including representatives from the hazardous waste industry, business organizations, local government, and environmental groups. The stakeholders acknowledged that there are problems, but failed to reach consensus on priorities and funding.

Summary of Substitute Bill:

The DOE, in consultation with stakeholders, must report to the Legislature by December 31, 2003 on the following:

1. Recommended requirements for financial assurance to close and cleanup hazardous waste management facilities, used oil processors, and recyclers;
2. recommended requirements for liability insurance to address contaminant releases; and
3. recommendations for a system to authorize off-site recycling and used oil processing operators that are currently not subject to hazardous waste permits.

Legislative intent is established stating that by July 1, 2005 all off-site used oil and recycling activities will have financial assurance and pollution liability insurance in place.

Substitute Bill Compared to Original Bill:

The substitute bill directs the DOE to develop legislative recommendations, not adopt amended rules, for financial assurance, pollution liability, and closure plans at hazardous waste facilities.

The requirement that the DOE adopt rules for authorizing recycling and used oil processing operations that are not currently subject to hazardous waste permits by July 1, 2004 is removed. The substitute bill requires this element to be included in the report to the Legislature.

The substitute bill requires the DOE to submit legislative recommendations for a fee-based system to provide funding for permitting, compliance, and assistance programs by December 31, 2003 rather than September 30, 2003. The provision in the original bill directing the DOE to adopt rules implementing the funding mechanism after legislative approval is removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) The DOE believes that there are hazardous waste facilities that are posing an environmental problem. Hazardous waste facilities that go bankrupt, close, or are abandoned may cost a lot of money to clean up. In some cases, current rules do not require financial assurance. Financial assurances need to be in place to ensure funds are available for cleanup. Stakeholders agree there is a problem and the DOE wants waste management facilities to operate safely. When Clean Care closed, local governments and others that had sent hazardous materials to the facility were liable for cleanup costs. Adequate financial assurances would ensure that taxpayers do not get stuck with cleanup costs.

(Support with amendments) Certain small businesses agree that there is a problem, but they have worked hard on an alternative approach. Certain businesses are concerned about fees and whether this is a big business versus a small business bill. Under the alternative approach, hazardous waste facilities would notify the DOE by September 30, 2003, meet minimum standards, require inspections, and be subject to fines for violations. The DOE and stakeholders would report back by December 31, 2003 regarding regulations, financial assurances, and recommendations for new funding for the program.

Testimony Against: None.

Testified: (In support) Representative Cooper, prime sponsor; Greg Sorlie, Department of Ecology; Jeff Kelly-Clarke, State Solid Waste Advisory Committee/ Snohomish County; and Ivy-Sager-Rosenthal, Washington State Public Interest Research Group.

(In Support with amendments) Gary Smith, Independent Business Association; Grant Nelson, Association of Washington Businesses; and Jerry Smedes, Emerald Services.