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**Select Committee on  
Environmental Health**

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**HB 1419**

**Brief Description:** Ensuring the cleanup of certain hazardous waste sites.

**Sponsors:** Representatives McCoy, Jarrett, Hudgins, Campbell, Chase, Dunshee, Hunt, Upthegrove, Williams, Hasegawa, Schual-Berke, Simpson and Santos.

**Brief Summary of Bill**

- Directs that cleanup and compliance occur at hazardous wastes sites which have seriously contaminated the environment and where ongoing violations are projected to take more than twenty years to complete the cleanup and compliance, including but not limited to the Hanford Nuclear Reservation.
- Provides for public involvement in the cleanup of hazardous waste sites and directs that cleanup and compliance at these sites occur before permitting the addition of waste that is generated from other sites.

**Hearing Date:** 1/30/07

**Staff:** Brad Avy (786-7289).

**Background:**

The federal government established the Resource Conservation and Recovery Act (RCRA), which authorized the Environmental Protection Agency to control hazardous waste from "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. The state Hazardous Waste Management Act designates the Department of Ecology (Department) as the state lead agency for implementing RCRA.

The Hazardous Waste Management Act was established to provide a comprehensive framework for the planning, regulation, control and management of hazardous waste. The act provides the Department with broad powers of regulation to manage hazardous wastes and releases of hazardous substances. In addition, the purpose of the act includes promoting waste reduction,

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preventing problems related to hazardous substances before problems occur, and ensuring the safe operation of hazardous waste management facilities.

**Summary of Bill:**

Legislative findings are made regarding the Department's authority allowable under federal law and the importance of cleanup site advisory boards. Policy statements are made regarding cleanup of existing sites before accepting additional wastes from other sites and discontinuing the use of unlined trenches.

The "hazardous waste" covered by the bill is that hazardous waste authorized for state regulation under applicable federal law and excludes radioactive materials whose regulation is subject to exclusive federal regulation.

State cleanup permits at major sites (including Hanford) requiring more than twenty years to cleanup must provide for a citizen advisory board. The board must be broadly representative of stakeholders in the site area. Required membership is specified in the bill. The boards are to be funded through permit fees assessed by the state and must not discriminate between federal and non-federal facilities.

Existing boards (such as the Hanford Advisory Board) are deemed to fulfill the requirements of the bill.

The Department must require all potentially effective and practicable actions to be taken to characterize and remediate releases and potential releases. It may require research and development of technologies for waste characterization or retrieval.

State cleanup permits must require:

- discontinuing the use of unlined trenches for waste disposal;
- an investigation and plan for waste retrieval, treatment, closure, and monitoring; and,
- installation within two years of a ground water and soil monitoring system.

The Department must adopt a plan for the permittees to treat and dispose of 100 percent of the hazardous waste retrieved from underground storage tanks. An enforceable schedule for obtaining treatment facilities or services must be incorporated into cleanup permits to ensure waste will be treated when retrieved from the tanks.

The Department may not issue permits allowing additional waste to be treated, stored or disposed at sites until the site or facility is in full compliance with state and federal hazardous waste cleanup requirements. Treatment capacity at noncompliant sites may be used for remediation of wastes from other sites when stringent criteria are met.

Retrieval of waste from underground storage tanks must be achieved to the maximum extent practicable. Retrieval from single shell tanks must be placed on an enforceable schedule designed to prevent releases and reduce risks.

The cumulative impact of all tank residuals and leaks must be considered for closure of waste management units containing tank systems consisting of one or more interconnected tanks.

**Appropriation:** None.

**Fiscal Note:** Requested on January 23, 2007.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.