

SENATE BILL REPORT

SB 5393

As of February 7, 2008

Title: An act relating to hazardous waste releases and cleanup at other sites requiring twenty or more years to remediate.

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

Sponsors: Senators Kline, Poulsen, Pridemore, Rockefeller and Kohl-Welles.

Brief History:

Committee Activity: Water, Energy & Telecommunications: 2/6/08.

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Staff: Scott Boettcher (786-7416)

Background: Hazardous waste refers to those waste materials that are dangerous to human health, wildlife, and the environment due to their toxicity, chemical properties, and lifespan. Hazardous waste includes substances that are composed of both radioactive and hazardous components. The Washington State Department of Ecology (Ecology) requires hazardous waste generators to properly dispose of waste at approved hazardous waste management sites and facilities.

The most significant and highly contaminated hazardous waste sites, facilities, and clean-up areas are identified and placed on the U.S. Environmental Protection Agency's (EPA) National Priorities List. The National Priorities List is a list of the most significant hazardous waste sites that have been identified under federal law (i.e., Superfund). In the state of Washington, there are 48 hazardous waste sites on EPA's National Priorities list.

Summary of Bill: It is the policy of the State of Washington to ensure: (1) clean-up and compliance at facilities with large releases of hazardous waste before permitting disposal of additional hazardous waste from off-site locations; and (2) ensure prompt clean-up of hazardous waste, timely development of treatment and disposal capacity for waste stored in tank systems, and compliance by hazardous waste facilities with all requirements of state hazardous waste management laws.

Ecology must not permit disposal of off-site hazardous waste at any facility: in "significant noncompliance" with the State Hazardous Waste Management Act; and contiguous to a National Priorities site named by the U.S. EPA. Ecology may adopt rules as necessary regarding what significant noncompliance means.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Storage and disposal of hazardous waste in underground tank systems must be permitted by Ecology and closed in accordance with the State Hazardous Waste Management Act, State Model Toxics Control Act, and the implementing regulations of both. Permits issued by Ecology must contain provisions for corrective action, removal of hazardous waste at tank closure, and removal and treatment of contaminated soils or groundwater attributable to the tank to the extent practicable. Ecology must adopt an enforceable compliance schedule that provides for the prompt treatment and disposal of hazardous waste retrieved from underground tank systems where releases have occurred or where such waste has been improperly stored.

It is the intent of the act to operate within the existing regulatory scope of the State Hazardous Waste Management Act and to regulate hazardous waste to the extent not preempted by federal law.

Appropriation: None.

Fiscal Note: Requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill is within state jurisdiction. The bill allows greater control over hazardous waste. Section 3 provides that Ecology cannot permit further disposal until facilities and sites are cleaned up. The bill exercises states existing maximum jurisdiction. The bill strengthens state's hand in tri-party negotiations, as well is good for jobs and economy. The bill requires that sites be cleaned up and in compliance before more hazardous waste is added. The bill reflects consistent policy of the state; i.e., before more waste can be stored at noncompliant facilities and sites, the facilities and sites must first be cleaned-up. The bill helps with the urgency to stop the disposal of additional hazardous waste at Hanford. Washington is on the receiving end of other state's mixed wastes. Focus of the bill is on hazardous waste, not mixed waste. The bill takes current dangerous waste regulations and puts them into statute, thus strengthening the state's overall regulatory framework.

CON: The bill hurts jobs, does not help jobs. The effect of blocking movement of waste across states will result in Washington getting stuck with waste that would be better held elsewhere. The measure is counterproductive and redundant. Cleanup is already occurring. The bill doesn't add to, further, or speed the clean-up of Hanford. It's not clear what problem the bill solves. Hanford is already heavily regulated and monitored.

OTHER: The state has authority over hazardous waste. Hazardous waste includes mixed waste. The state has authority over mixed waste as long as authority is directed to the hazardous waste component, not the nuclear component

Persons Testifying: PRO: Sen. Adam Kline, prime sponsor; Roxy Giddings, Heart of America Northwest; Larry Goldstein, Department of Ecology; Bob Cooper, Heart of America; Tom Carpenter, Hanford Challenge.

CON: Mark Reavis, Labor; Mike Mitchell, Central WA Building Industry; Jerry Smedes, Northwest Environmental Business Council; Sally Kirkpatrick, TRIDEC; Jim Jesernig, CH2M Hill.

OTHER: Michael Robinson-Dorn, UW School of Law.