
HOUSE BILL 2553

State of Washington 60th Legislature 2008 Regular Session

By Representatives Dickerson, Hudgins, Lantz, and Schual-Berke

Prefiled 01/08/08. Read first time 01/14/08. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to the management of hazardous wastes in Puget
2 Sound; amending RCW 70.105.010; and adding a new section to chapter
3 70.105 RCW.

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

5 **Sec. 1.** RCW 70.105.010 and 1989 c 376 s 1 are each amended to read
6 as follows:

7 The ~~((words and phrases defined))~~ definitions in this section
8 ~~((shall have the meanings indicated when used in))~~ apply throughout
9 this chapter unless the context clearly requires otherwise.

10 (1) "Action agenda" has the same meaning as defined in RCW
11 90.71.010.

12 (2) "Department" means the department of ecology.

13 ~~((+2))~~ (3) "Director" means the director of the department of
14 ecology or the director's designee.

15 ~~((+3))~~ (4) "Disposal site" means a geographical site in or upon
16 which hazardous wastes are disposed of in accordance with the
17 provisions of this chapter.

18 ~~((+4))~~ (5) "Dispose or disposal" means the discarding or

1 abandoning of hazardous wastes or the treatment, decontamination, or
2 recycling of such wastes once they have been discarded or abandoned.

3 ~~((+5))~~ (6) "Dangerous wastes" means any discarded, useless,
4 unwanted, or abandoned substances, including but not limited to certain
5 pesticides, or any residues or containers of such substances which are
6 disposed of in such quantity or concentration as to pose a substantial
7 present or potential hazard to human health, wildlife, or the
8 environment because such wastes or constituents or combinations of such
9 wastes:

10 (a) Have short-lived, toxic properties that may cause death,
11 injury, or illness or have mutagenic, teratogenic, or carcinogenic
12 properties; or

13 (b) Are corrosive, explosive, flammable, or may generate pressure
14 through decomposition or other means.

15 ~~((+6))~~ (7) "Extremely hazardous waste" means any dangerous waste
16 ~~((which))~~ that:

17 (a) Will persist in a hazardous form for several years or more at
18 a disposal site and which in its persistent form:

19 (i) Presents a significant environmental hazard and may be
20 concentrated by living organisms through a food chain or may affect the
21 genetic make-up of ~~((man))~~ people or wildlife~~((τ))~~; and

22 (ii) Is highly toxic to ~~((man))~~ people or wildlife; or

23 (b) If disposed of at a disposal site in such quantities as would
24 present an extreme hazard to ~~((man))~~ people or the environment.

25 ~~((+7))~~ (8) "Person" means any person, firm, association, county,
26 public or municipal or private corporation, agency, or other entity
27 whatsoever.

28 ~~((+8))~~ (9) "Pesticide" ~~((shall have))~~ has the same meaning ~~((of~~
29 ~~the term))~~ as defined in RCW 15.58.030 ~~((as now or hereafter amended))~~.

30 ~~((+9))~~ (10) "Solid waste advisory committee" means the same
31 advisory committee as per RCW 70.95.040 through 70.95.070.

32 ~~((+10))~~ (11) "Designated zone facility" means any facility that
33 requires an interim or final status permit under rules adopted under
34 this chapter and that is not a preempted facility as defined in this
35 section.

36 ~~((+11))~~ (12) "Facility" means all contiguous land and structures,
37 other appurtenances, and improvements on the land used for recycling,
38 storing, treating, incinerating, or disposing of hazardous waste.

1 ~~((12))~~ (13) "Preempted facility" means any facility that includes
2 as a significant part of its activities any of the following
3 operations: (a) Landfill~~((τ))~~i; (b) incineration~~((τ))~~i; (c) land
4 treatment~~((τ))~~i; (d) surface impoundment to be closed as a
5 landfill~~((τ))~~i; or (e) waste pile to be closed as a landfill.

6 ~~((13))~~ (14) "Hazardous household substances" means those
7 substances identified by the department as hazardous household
8 substances in the guidelines developed under RCW 70.105.220.

9 ~~((14))~~ (15) "Hazardous substances" means any liquid, solid, gas,
10 or sludge, including any material, substance, product, commodity, or
11 waste, regardless of quantity, that exhibits any of the characteristics
12 or criteria of hazardous waste as described in rules adopted under this
13 chapter.

14 ~~((15))~~ (16) "Hazardous waste" means and includes all dangerous
15 and extremely hazardous waste, including substances composed of both
16 radioactive and hazardous components.

17 ~~((16))~~ (17) "Local government" means a city, town, or county.

18 ~~((17))~~ (18) "Moderate-risk waste" means (a) any waste that
19 exhibits any of the properties of hazardous waste but is exempt from
20 regulation under this chapter solely because the waste is generated in
21 quantities below the threshold for regulation~~((τ))~~i; and (b) any
22 household wastes which are generated from the disposal of substances
23 identified by the department as hazardous household substances.

24 ~~((18))~~ (19) "Public entity" means any local government, port
25 district, state agency, or other political subdivision of the state.

26 (20) "Puget Sound" has the same meaning as defined in RCW
27 90.71.010.

28 (21) "Service charge" means an assessment imposed under RCW
29 70.105.280 against those facilities that store, treat, incinerate, or
30 dispose of dangerous or extremely hazardous waste that contains both a
31 nonradioactive hazardous component and a radioactive component.
32 Service charges shall also apply to facilities undergoing closure under
33 this chapter in those instances where closure entails the physical
34 characterization of remaining wastes which contain both a
35 nonradioactive hazardous component and a radioactive component or the
36 management of such wastes through treatment or removal, except any
37 commercial low-level radioactive waste facility.

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

3 (1) Except as otherwise provided in this chapter, if a public
4 entity receives approval from any state government agency, any federal
5 government agency, or any combination of state and federal government
6 agencies to dispose of sediment or other material containing any
7 detectable traces of hazardous waste, including polychlorinated
8 biphenyls, or relocate previously disposed or existing sediment or
9 other material containing any detectable traces of hazardous waste,
10 including polychlorinated biphenyls, for any reason or purpose in Puget
11 Sound or upon the aquatic lands below Puget Sound, that public entity
12 must petition the executive director of the Puget Sound partnership
13 created in chapter 90.71 RCW, and receive express confirmation from a
14 majority of the members of the Puget Sound partnership's leadership
15 council, that the action is not inconsistent with, or would otherwise
16 hamper the implementation of the action agenda, or other plan to
17 restore the health of Puget Sound, prior to conducting the disposal
18 action.

19 (2) Any public entity required by this section to petition the
20 executive director of the Puget Sound partnership may not do so until
21 all other permits and approvals have been obtained from both the state
22 and federal government.

23 (3) If a petition is received by the executive director of the
24 Puget Sound partnership under this section, the executive director
25 shall present the information provided by the public entity to the
26 leadership council of the Puget Sound partnership, along with any
27 information or supporting material gathered by the staff of the Puget
28 Sound partnership, state or federal agencies, or other interested
29 parties. The leadership council of the Puget Sound partnership
30 maintains full discretion to consider and vote on the petition under
31 procedures set by the leadership council.

32 (4) This section does not apply to the disposal of hazardous waste
33 if the action is approved by an agreed order issued under chapter
34 70.105D RCW.

--- END ---