

HOUSE BILL REPORT

HB 1948

As Reported by House Committee On:
Environment

Title: An act relating to nonsubstantive changes to programs relevant to the department of ecology designed to create administrative efficiency.

Brief Description: Concerning nonsubstantive changes to programs relevant to the department of ecology designed to create administrative efficiency.

Sponsors: Representatives Tharinger and Upthegrove.

Brief History:

Committee Activity:

Environment: 3/5/13, 3/6/13 [DPS].

Brief Summary of Substitute Bill

- Amends certain programs administered by the Department of Ecology to remove prescriptive program administration and reporting requirements.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Upthegrove, Chair; McCoy, Vice Chair; Short, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Farrell, Fey, Kagi, Lias and Tharinger.

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

Staff: Jacob Lipson (786-7196).

Background:

The Department of Ecology (DOE) is responsible for the administration of a long list of statutes that affect the state's environment. The DOE's administrative responsibilities include the management of programs related to air quality, recycling, waste reduction and reuse,

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hazardous waste, municipal sewage sludge, and used waste oil. Certain DOE agency actions may be appealed to the Pollution Control Hearings Board.

Statutes that establish the DOE's program management responsibilities include a variety of procedural and administrative requirements. Many of these statutes also include since-passed deadlines by which the DOE was directed to have achieved certain objectives, include obsolete references to components of program management which have subsequently been changed by more recently enacted statutes, or include requirements to periodically report to the Legislature or the Governor on the agency's activities.

Summary of Substitute Bill:

Programs administered by the Department of Ecology (DOE) are amended to remove prescriptive program administration and reporting requirements, repeal and delete outdated provisions, and make technical changes. Changes are made to the following statutes:

- Pollution Control Hearings Board (chapter 43.21B RCW);
- Waste Reduction, Recycling, and Litter Control (chapter 70.93 RCW);
- Clean Air Act (chapter 70.94 RCW);
- Solid Waste Management (chapter 70.95 RCW);
- Waste Reduction (chapter 70.95C RCW);
- Hazardous Waste Fees (chapter 70.95E RCW);
- Used Oil Recycling (chapter 70.95I RCW);
- Municipal Sewage Sludge (chapter 70.95J RCW);
- Hazardous Waste Management (chapter 70.105 RCW); and
- Shoreline Management Act (chapter 90.58 RCW).

The substitute bill:

- authorizes appeals of penalties of less than \$15,000 or administrative orders in front of the Pollution Control Hearings Board (Board) to be heard by an administrative appeals judge, rather than limiting such appeals solely to penalties and requiring a member of the Board to conduct the hearing;
- removes or lengthens requirements for the periodic submission of reports on certain agency activities;
- removes requirements for other state agencies to periodically report certain litter collection information to the DOE;
- authorizes the use of financial aid grants to local governments for the implementation of solid waste plans, in addition to the development of those plans;
- reduces the proportion of state funding which local governments must match in order to participate in certain DOE financial assistance programs;
- requires that certain information be posted on the DOE's website; and
- makes technical changes.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies that appeals of administrative or enforcement orders, instead of appeals of corrective action orders, may be heard by a single member of the Pollution Control Hearings Board (Board) or an administrative appeals judge employed by the Board.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 2 relating to the Pollution Control Hearings Board's jurisdiction to hear appeals of certain agency actions, which takes effect June 30, 2019.

Staff Summary of Public Testimony:

(In support) This new bill, which has a narrower title, makes sure that this bill does not become a vehicle for more substantive policy changes to Department of Ecology (DOE) programs. The provisions of this bill are consistent with the DOE's efforts to streamline procedures and regulations. Many of these changes will have a positive fiscal impact for the DOE. The provision of the bill which will result in the greatest savings is the section which removes the set schedule for the statewide litter survey, and directs it to only be conducted when requested by the Governor or the Legislature.

(Opposed) None.

Persons Testifying: Representative Tharinger, prime sponsor; and Tom Clingman, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.