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## Environment Committee

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### HB 2439

**Brief Description:** Updating specified environmental statutes of the department of ecology to improve efficiency and provide for increased flexibility for local governments.

**Sponsors:** Representatives Takko, Fitzgibbon, Tharinger, Ryu and Roberts; by request of Department of Ecology.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Amends programs administered by the Department of Ecology to remove inconsistencies, delete outdated provisions, and clarify local government authority.</li></ul>
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**Hearing Date:** 1/24/14

**Staff:** Megan Mulvihill (786-7291) and Jason Callahan (786-7117).

**Background:**

The Department of Ecology (DOE) is responsible for managing many state policies regarding the environment. The DOE's authority includes multiple statutes managing the state's water resources, air quality, pollution, solid and hazardous wastes, toxic hazards, and the state shorelines. Many of DOE's orders and decisions may be appealed to the Pollution Control Hearings Board (PCHB).

Some of the programs administered by DOE include the authority to:

- adopt rules and standards for noise abatement and control;
- review and approve county comprehensive solid waste management plans along with providing technical and financial aid assistance;
- exempt solid waste permit requirements for wastes with beneficial uses;
- prepare and update a statewide master oil and hazardous substance spill prevention and contingency plan; and

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*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.*

- review and approve shoreline master programs, including the program's designation and oversight of critical areas.

### **Summary of Bill:**

Programs administered by DOE are amended to eliminate inconsistencies among statutes, clarify statutory language, make technical changes, repeal outdated provisions, harmonize statutory provisions related to the PCHB, and update the PCHB statute to reflect references to PCHB review in other environmental statutes. Local governments are also provided authority in managing noise control. Changes are made to the following statutes:

- Pollution Control Hearings Board (chapter 43.21B RCW);
- Solid Waste Management (chapter 70.95 RCW);
- Noise Control (chapter 70.107 RCW);
- Oil and Hazardous Substance Spill Prevention and Response (chapter 90.56 RCW);
- Shoreline Management Act (90.58 RCW); and
- Water Pollution Control (90.48 RCW).

Specific details of the substantive changes include:

- Appeals involving a penalty of \$15,000 or less, or an appeal of a corrective action order from the local air authority, may be heard by a member of the PCHB or an administrative appeals judge employed by the PCHB.
- The use of financial aid for the preparation of county comprehensive plans for solid waste management may also be used for implementation, in addition to plan development. Transfer stations are included in disposal sites.
- Local governments must match their financial aid for planning and implementation of their solid waste management comprehensive plans. The amount is to be determined by the director up to 25 percent of the estimated cost of planning.
- The jurisdictional health department must match aid allocated by DOE. The amount is to be determined by the department up to 25 percent of the total amount spent for enforcement activity during the year.
- Proposals exempting beneficial uses of solid waste must be forwarded to all jurisdictional health departments for review and comment before Ecology's decision to adopt an exemption is made.
- Strikes DOE's requirement to adopt maximum noise levels, and requires DOE to adopt rules to establish model standards for noise control regulation. Authorizes local governments to adopt and enforce noise regulations.

In addition, the following requirements and authorizations are removed:

- Deletes DOE's requirement to submit an annual state Master Oil and Hazardous Substance Spill Prevention and Contingency Plan to the Legislature.
- Removes a duplicative provision regarding an effective date for updated Shoreline Master Programs.
- Eliminates the Vessel Response Account (VRA), and adds language transferring any money remaining in the VRA to the Coastal Protection Account.
- Repeals provisions authorizing the Director to construct a steam electric generating plant, and repeals additional statutes in regards to noise control and solid waste management.

**Appropriation:** None.

**Fiscal Note:** Requested on January 17, 2014.

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