

SENATE BILL REPORT

HB 2438

As of February 27, 2014

Title: An act relating to making technical corrections to various environmental statutes of the department of ecology and the pollution control hearings board.

Brief Description: Making technical corrections to various environmental statutes of the department of ecology and the pollution control hearings board.

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

Brief History: Passed House: 2/17/14, 97-0.

Committee Activity: Energy, Environment & Telecommunications: 2/27/14.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Staff: Jan Odano (786-7486)

Background: The Department of Ecology (Ecology) is responsible for managing many state policies regarding the environment. Ecology's authority includes managing the state's water resources; ensuring air quality; water pollution control; solid and hazardous wastes planning and prevention; reducing toxic hazards; and managing the oil spill prevention and response program.

The Pollution Control Hearings Board (PCHB) hears appeals to decisions made by Ecology on permits, orders, and imposition of civil penalties. Penalties and fines imposed under the Clean Air Act and Hazardous Waste Management must be credited to the Hazardous Waste Control and Elimination Account. However, this account has not been active since 1987.

Summary of Bill: Technical changes are made, which include removing outdated references and reporting requirements, correcting internal references, and revising language using updated drafting guidelines.

PCHB. The reference to the Hazardous Waste Control and Elimination Account is deleted and replaced with the State Toxics Control Account (STCA).

Waste Reduction, Recycling, and Model Litter Control Act. The requirement is deleted for Ecology to adopt by rule uniform designs for litter receptacles.

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.

Clean Air Act. An outdated deadline and a reference for rule adoption are deleted.

Solid Waste Management. References are deleted for categories of waste to be evaluated by 1989 and 1990.

Waste Reduction. A provision is deleted that Ecology must notify the Department of Revenue to charge a penalty fee.

Hazardous Waste Fees. The definitions section is revised to be consistent with updated drafting guidelines. The definition of price deflator is clarified.

Used Oil Recycling. The provision for Ecology in cooperation with the State Fire Protection Board by January 1, 1987, develop a statewide standard for the placement of used oil above-ground tanks is deleted, and replaced with Ecology maintaining, as necessary, a statewide standard.

Hazardous Waste Management.

- References to the Hazardous Waste Control and Elimination Account are deleted and replaced with the STCA.
- An outdated reference of May 31, 1990, to develop and adopt criteria for siting hazardous waste management facilities is removed.
- Outdated references to the development of local hazardous waste plans are removed.
- In addition to preparing guidelines for local hazardous waste plans, the plans must be maintained.
- Pilot projects are clarified for moderate risk waste management.

Vessel Oil Spill Prevention and Response. Provisions are deleted regarding rule adoption for the state tank vessel inspection program, which were invalidated by a Supreme Court decision.

Oil and Hazardous Substance Spill Prevention and Response. A reference is deleted to the office of marine safety, which is now the Oil Spill Prevention Program.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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