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## Environment Committee

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### ESSB 6605

**Brief Description:** Ensuring that solid waste management requirements prevent the spread of disease, plant pathogens, and pests.

**Sponsors:** Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Warnick, Becker, Brown and Honeyford).

**Brief Summary of Engrossed Substitute Bill**

- Requires the consideration of quarantines and other disease and pest control measures implemented by the Washington State Department of Agriculture during the planning and permitting of certain solid waste activities by local health departments and the Department of Ecology.

**Hearing Date:** 2/23/16

**Staff:** Jacob Lipson (786-7196).

**Background:**

Solid Waste Management Plans.

Under the state's solid waste management laws, jurisdictional health departments (JHDs) are the primary government entity responsible for implementing state solid waste management requirements. JHDs may be a city, county, or district public health department. Under state solid waste management laws, counties are required to develop a comprehensive solid waste management plan (Plan) in conjunction with cities within the county, and must update their Plans at least every five years. Counties are directed to establish local solid waste advisory committees to assist in the county's solid waste policy and Plan development processes. Membership of the advisory committees is directed to include local public elected officials, citizens, public interest groups, the waste management industry, and other business.

The Department of Ecology (ECY) also has certain roles in overseeing the administration of solid waste management laws. The ECY is responsible for working cooperatively with local

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governments as they develop their Plans and for approving the local Plans developed by counties. As part of the Plan development process, cities and counties must submit a preliminary draft plan to the ECY for technical review.

#### Solid Waste Disposal Facility Siting Requirements.

By rule, the ECY is allowed to classify areas of the state for solid waste handling facilities according to factors that bear on solid waste disposal standards, including population density, geology, and climate. In addition, counties and cities that site solid waste disposal facilities must review potential sites for conformance with standards adopted in rule by the ECY for a variety of environmental factors, including geology, hydrology, and climate.

The solid waste disposal rules that the ECY has adopted restrict the siting of municipal solid waste landfills in certain locations based on a variety of geographic factors, such as proximity to airports, floodplains, wetlands, faults, areas affected by earthquakes, and in unstable areas. Likewise, the ECY rules establish other geographic restrictions on other types of landfills and anaerobic digesters. However, the ECY has declined to establish geographic criteria for the siting of other types of solid waste disposal facilities, such as composting facilities, energy recovery and incineration facilities, and land application of solid wastes with beneficial uses.

Regardless of whether the ECY has adopted location standards that apply to a specific types of solid waste disposal facilities, other design and operation criteria apply to the disposal site. Disposal site permits are subject to suspension by a JHD upon a determination that the facility is being operated in violation of state or local solid waste laws, rules, or regulations.

#### Solid Waste Management Permits and Beneficial Use Determinations.

Facilities that manage, generate, store, or otherwise handle solid wastes, or serve as final disposal sites for solid waste are required to obtain a solid waste handling permit from the local JHD. Solid waste handling permits issued by JHDs are reviewed by the ECY for compliance with the Plan and other applicable laws.

State solid waste management laws also establish a process by which an applicant can apply to the ECY for a beneficial use determination (BUD) related to a substance subject to solid waste regulations. The ECY forwards BUD applications to JHDs for their review and comment, which occurs during a 45-day window. If the ECY makes a BUD for a substance for a particular use, that substance is exempt from solid waste handling permit requirements. However, the person responsible for the substance must continue to manage the solid waste consistent with conditions attached by the ECY to the BUD.

#### Department of Agriculture Insect Pest and Plant Disease Quarantine Program.

The Department of Agriculture (WSDA) is charged with implementing certain measures to restrict the spread of harmful plants, pests, and diseases. Among the powers granted to pursue this goal, the WSDA is authorized to adopt rules establishing a quarantine that prohibits movement of bees, plants, plant products, or certain regulated equipment from designated quarantine areas to non-quarantine areas.

In order to declare a quarantine, the WSDA must determine that the quarantine is necessary to protect forestry, agricultural, horticultural, floricultural, beekeeping, or other environmental interests. A WSDA quarantine may prohibit movement of regulated articles that are likely to

contain plant pests, noxious weeds, genetically engineered plants, plant pests, or bee pest organisms. The WSDA may implement quarantines in specific states, counties, areas, places, or agricultural establishments. Quarantines may either be absolute prohibitions on the movement of regulated articles, or may prescribe certain allowable conditions for the movement of regulated articles.

### **Summary of Bill:**

#### Local Solid Waste Plan Requirements.

When the ECY receives a draft preliminary county Plan, the ECY must provide a copy to the WSDA. The WSDA must review the plan for compliance with insect pest and plant disease rules, including quarantine restrictions, and must advise the local government of the results of their compliance review of the Plan.

The local solid waste policy advisory committees formed by counties must include membership from agricultural interests.

The ECY may consider an area's quarantine status among other relevant factors that bear on solid waste disposal standards.

#### Solid Waste Handling Facility Permit and Beneficial Use Determination Review Requirements.

JHDs must forward certain applications to establish solid waste handling facilities to the WSDA for review, in addition to the ECY. The facilities covered by this WSDA review requirement are those applications to establish or modify a facility in an area that is not under a WSDA pest, pathogen, or disease quarantine, but that will receive material for composting from an area that is under a quarantine. The WSDA must review these applications to determine if the proposed facility presents a risk of spreading disease, plant pathogens, or pests.

Solid waste disposal site permits are subject to suspension by a JHD if the JHD determines that the facility's operations violate WSDA rules.

When the ECY receives an application for a BUD, it must forward the application to the WSDA at the same time as the application is forwarded to JHDs. The WSDA must submit any comments to the ECY within 45 days. The WSDA's comment on a BUD are limited to addressing whether a BUD application approval risks the spread of disease, plant pathogens, or pests to areas not under WSDA quarantine.

**Appropriation:** None.

**Fiscal Note:** Requested on February 19, 2016.

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