

SENATE BILL REPORT

SB 6605

As of February 2, 2016

Title: An act relating to ensuring that solid waste management requirements prevent the spread of disease, plant pathogens, and pests.

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

Sponsors: Senators Warnick, Becker, Brown and Honeyford.

Brief History:

Committee Activity: Agriculture, Water & Rural Economic Development: 2/02/16.

SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

Staff: Diane Smith (786-7410)

Background: Each county must establish a local solid waste advisory committee (Committee). The members of the Committee are appointed by the county legislative authority. The Committee must consist of at least nine members who represent a balance of interests such as citizens, business, the waste management industry, and public interest groups. The Committee reviews and comments upon proposed rules, policies, and ordinances prior to their adoption.

Each county, city, or local board of health must adopt regulations governing solid waste handling that implement the comprehensive solid waste management plan (Plan).

The Plan is required of every county. Each Plan must include various elements, one of which is a comprehensive waste reduction and recycling element. This element provides programs that reduce the amount of waste, provide for source separation, and provide recycling opportunities.

The local health department must submit any application for a permit to establish or modify a solid waste handling facility to DOE. DOE must report its findings to the local health department. The local health department determines whether the site and its facilities comply with local regulations and state rules.

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.

After a permit is issued by the local health department, the permit is reviewed by DOE for conformity with all applicable laws and regulations and for conformity with the Plan.

Every solid waste handling facility permit must be renewed at least every five years. It may be suspended if at any time the local health department decides the facility is violating any laws, DOE's rules, or local regulations.

Any given solid waste may be exempted from permitting, by DOE's rule or by application from a person, for one or more beneficial uses. If by an application to DOE, the application is forwarded to the local health department for review and comment within 45 days. The local health department and the applicant may appeal DOE's decision whether to approve a solid waste for exemption from permitting.

Summary of Bill: A local government that prohibits the disposal of food waste and compostable paper as garbage is required to consult with WSDA to ensure its plan prevents the spread of disease, plant pathogens, and pests to areas not under WSDA quarantine. This requirement is included at all stages of solid waste permitting.

This process is required before the local government submits its solid waste management plan (Plan) to DOE for approval. Before DOE may approve the local Plan, DOE must require WSDA's written statement of compliance with this requirement for inclusion in the final approved solid waste management plan. Any existing Plans must be reviewed and made to comply with this approval process within 90 days of the effective date of this legislation. If revision occurs, the revised Plan is subject to approval by DOE.

As part of its rule making, DOE may include quarantine status among the factors bearing on classifying areas of the state according to relevant factors concerning solid waste disposal standards.

The interests of agriculture must be part of the balance of interests that the county legislative authority considers in appointing members to the local solid waste advisory committee.

When an application for a permit to establish or modify a solid waste handling facility is submitted to DOE, the application must also be submitted to WSDA. WSDA's only review is whether the application demonstrates information sufficient for the assessment of risk to non-quarantined areas.

After a permit is issued, it is reviewed by DOE and WSDA. WSDA must review the permit within 30 days of the permit's issuance. WSDA's review is limited to the same conformity requirements as DOE's review. Both DOE and WSDA may appeal the local health department's issuance of a permit or renewal of a permit to the pollution control hearings board.

A permit may be suspended by the local health department for violation of WSDA's rules.

An application to DOE from a person to exempt any given solid waste from permitting for one or more beneficial uses must be forwarded to WSDA as well as to the local health department for review and comment within 45 days. WSDA's comments must address

whether approving the application places an area currently not under quarantine at risk of being placed under quarantine. WSDA may appeal DOE's decision whether to approve solid waste for exemption from permitting. The appeal is to the pollution control hearings board.

Appropriation: None.

Fiscal Note: Requested on January 31, 2016.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: We have seen permits that were rightfully issued without WSDA involvement until after the discovery of a quarantined pest at a facility in a non-quarantined area. The value of last year's apple crop was \$3.7 billion with total economic value to the state being \$8 billion. Of the 142 million boxes produced, 30 percent is exported. We cannot afford another Quincy occurrence of an inappropriate siting.

OTHER: The bill needs to be narrowed to apply only to green and yard waste, if that is its intent. As written, all solid waste management plans would need WSDA review and there are hundreds of these plans. There are concerns about scope and fiscal impact. A report will be done in April to clarify pest mitigation.

Persons Testifying: PRO: Senator Warnick, prime sponsor; Jim Halstrom, Wa State Tree Fruit Association.

OTHER: Laurie Davies, Department of Ecology; Kirk Robinson, WSDA.

Persons Signed In To Testify But Not Testifying: No one.