

FINAL BILL REPORT

ESSB 6605

C 119 L 16
Synopsis as Enacted

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).

Senate Committee on Agriculture, Water & Rural Economic Development
Senate Committee on Ways & Means
House Committee on Environment
House Committee on General Government & Information Technology

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 the Department of Ecology (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.

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.

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.

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 exemption is initiated 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.

The Washington State Department of Agriculture (WSDA) has the authority to protect agricultural, silvicultural, floricultural, apiarial, and other environmental interest of the state by declaring a quarantine. The quarantined area may be publically or privately owned within the state, other states, or other countries. A quarantine may prohibit any regulated article from being moved outside of the quarantined area.

Summary: A local government that prohibits the disposal of food waste and compostable paper as garbage is required to consult with the WSDA to ensure its Plan prevents the spread of disease, plant pathogens, and pests to areas not under WSDA quarantine. This process is required before the local government submits its 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 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 standards used by each county or city when siting a solid waste disposal facility must be periodically revised. The revision shall include information relating to preventing the spread of disease, plant pathogens, and pests to areas that are not quarantined.

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.

DOE must immediately upon receipt, provide WSDA with a copy of the preliminary draft Plan submitted by a county or city to DOE. WSDA must review the Plan within 45 days for compliance with quarantine law and rules. WSDA must advise the county or city and DOE of the results of WSDA's review.

When an application is submitted to DOE by the local health department for a permit to establish or modify a solid waste handling facility, the application must also be submitted to WSDA if the proposed location is in an area not under quarantine and if the facility is proposing to receive material for composting from an area that is under quarantine. WSDA's review is to determine whether the application demonstrates information sufficient for the assessment of risk to non-quarantined areas.

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 of application. 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 elect to appeal DOE's decision whether to approve solid waste for exemption from permitting. The appeal is to the pollution control hearings board. WSDA's election has no effect on its authority to regulate and enforce relative to the solid waste that is the subject of the exemption petition.

WSDA may comment on applications for exemptions from solid waste permitting requirements that apply to waste-derived soil amendments, using the same WSDA comment process that applies to other DOE beneficial use determinations.

Persons who violate conditions attached to waste-derived soil amendment exemptions from solid waste permitting requirements are subject to penalties of up to \$1,000 per day.

Votes on Final Passage:

Senate	48	1	
House	97	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: June 9, 2016