
HOUSE BILL 1154

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By Representatives Duerr, Doglio, Ramel, Berry, Ryu, Callan, Pollet, Berg, Davis, Kloba, and Hunt

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1 AN ACT Relating to ensuring environmental and public health
2 protection from solid waste handling facility operations; amending
3 RCW 70A.205.125, 70A.205.130, 70A.205.135, and 70A.205.140; adding
4 new sections to chapter 70A.205 RCW; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 70A.205.125 and 2016 c 119 s 4 are each amended to
7 read as follows:

8 (1) Applications for permits to operate a new or modified solid
9 waste handling facility shall be on forms prescribed by the
10 department and shall contain a description of the proposed facilities
11 and operations at the site, plans and specifications for any new or
12 additional facilities to be constructed, and such other information
13 as the jurisdictional health department may deem necessary in order
14 to determine whether the site and solid waste disposal facilities
15 located thereon will comply with local regulations and state rules.

16 (2) Upon receipt of an application for a permit to establish or
17 modify a solid waste handling facility, the jurisdictional health
18 department shall refer one copy of the application to the department
19 which shall report its findings to the jurisdictional health
20 department. When the application is for a permit to establish or
21 modify a solid waste handling facility located in an area that is not

1 under a quarantine, as defined in RCW 17.24.007, and when the
2 facility will receive material for composting from an area under a
3 quarantine, the jurisdictional health department shall also provide a
4 copy of the application to the department of agriculture. The
5 department of agriculture shall review the application to determine
6 whether it contains information demonstrating that the proposed
7 facility presents a risk of spreading disease, plant pathogens, or
8 pests to areas that are not under a quarantine. For the purposes of
9 this subsection, "composting" means the biological degradation and
10 transformation of organic solid waste under controlled conditions
11 designed to promote aerobic decomposition.

12 (3) The jurisdictional health department shall investigate every
13 application as may be necessary to determine whether a proposed or
14 modified site and facilities meet all solid waste, air, and other
15 applicable laws and regulations, and conforms with the approved
16 comprehensive solid waste handling plan, and complies with all zoning
17 requirements.

18 (4) When the jurisdictional health department finds that the
19 permit should be issued, ~~((it))~~ and the department has approved the
20 permit under RCW 70A.205.130, the jurisdictional health department
21 shall issue such permit. Every application shall be approved or
22 disapproved within ~~((ninety))~~ 90 days after its receipt by the
23 jurisdictional health department.

24 (5) The jurisdictional board of health may establish reasonable
25 fees for permits and renewal of permits. All permit fees collected by
26 the health department shall be deposited in the treasury and to the
27 account from which the health department's operating expenses are
28 paid.

29 **Sec. 2.** RCW 70A.205.130 and 2020 c 20 s 1173 are each amended to
30 read as follows:

31 ~~((Every))~~ (1) Except as provided in subsection (4) of this
32 section, every permit issued by a jurisdictional health department
33 under RCW 70A.205.125 shall be reviewed by the department to ensure
34 that the proposed site or facility conforms with:

35 ~~((1))~~ (a) All applicable laws and regulations including the
36 ~~((minimal))~~ minimum functional standards for solid waste handling;
37 and

38 ~~((2))~~ (b) The approved comprehensive solid waste management
39 plan.

1 (2) The department shall review the permit within (~~(thirty)~~) 30
2 days after the issuance of the permit by the jurisdictional health
3 department. (~~The~~) For solid waste handling facilities other than
4 landfills, the department may appeal the issuance of the permit by
5 the jurisdictional health department to the pollution control
6 hearings board, as described in chapter 43.21B RCW, for noncompliance
7 with subsection (1) (~~(or (2))~~) (a) or (b) of this section.

8 (3) No permit issued pursuant to RCW 70A.205.125 after June 7,
9 1984, shall be considered valid unless it has been reviewed by the
10 department.

11 (4) (a) Every permit issued by a jurisdictional health department
12 under RCW 70A.205.125 for landfilling must be reviewed and approved
13 by the department to ensure that the proposed landfill conforms with:

14 (i) All applicable laws and regulations including the minimum
15 functional standards for solid waste handling; and

16 (ii) The approved comprehensive solid waste management plan.

17 (b) The department shall review the permit prior to the issuance
18 of the permit by the jurisdictional health department. The department
19 may only approve a permit that ensures that the landfill conforms
20 with all applicable laws and regulations, including the minimum
21 functional standards for solid waste handling. The department may
22 require a jurisdictional health department to amend the contents of a
23 proposed permit to ensure conformance with applicable laws and
24 regulations, including the minimum functional standards for solid
25 waste handling.

26 (c) A jurisdictional health department or applicant may appeal
27 the department's denial or amendment of a landfill permit under this
28 section, including the denial of the renewal of a permit, to the
29 pollution control hearings board.

30 (d) No permit issued under this subsection after August 1, 2025,
31 is considered valid unless it has been approved by the department.

32 **Sec. 3.** RCW 70A.205.135 and 2020 c 20 s 1174 are each amended to
33 read as follows:

34 (1) Every permit for an existing solid waste handling facility
35 issued pursuant to RCW 70A.205.125 shall be renewed at least every
36 five years on a date established by the jurisdictional health
37 department having jurisdiction of the site and as specified in the
38 permit. If a permit is to be renewed for longer than one year, the
39 local jurisdictional health department may hold a public hearing

1 before making such a decision. Prior to renewing a permit, the health
2 department shall conduct a review as it deems necessary to assure
3 that the solid waste handling facility or facilities located on the
4 site continues to meet minimum functional standards of the
5 department, applicable local regulations, and are not in conflict
6 with the approved solid waste management plan. A jurisdictional
7 health department shall approve or disapprove a permit renewal within
8 (~~forty-five~~) 45 days of conducting its review. The department shall
9 review and may appeal the renewal of permits for solid waste handling
10 facilities other than landfills as set forth for the approval of
11 permits in RCW 70A.205.130(2). The department must review and approve
12 or disapprove renewal of permits for landfill disposal facilities as
13 set forth in RCW 70A.205.130(4).

14 (2) The jurisdictional board of health may establish reasonable
15 fees for permits reviewed under this section. All permit fees
16 collected by the health department shall be deposited in the treasury
17 and to the account from which the health department's operating
18 expenses are paid.

19 **Sec. 4.** RCW 70A.205.140 and 2016 c 119 s 5 are each amended to
20 read as follows:

21 Any permit for a solid waste disposal site issued as provided
22 herein shall be subject to suspension at any time the department or
23 the jurisdictional health department determines that the site or the
24 solid waste disposal facilities located on the site are being
25 operated in violation of this chapter, the regulations of the
26 department, the rules of the department of agriculture, or local laws
27 and regulations.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 70A.205
29 RCW to read as follows:

30 (1) In addition to the provisions of RCW 70A.205.140, a
31 jurisdictional health department or the department may:

32 (a) Impose a civil penalty not to exceed \$10,000 per day of
33 operation of a solid waste handling facility in violation of the
34 requirements of this chapter or a permit issued under this chapter;
35 and

36 (b) Issue an order requiring compliance by a solid waste handling
37 facility in violation of the requirements of this chapter or a permit
38 issued under this chapter. A person who fails to take corrective

1 action as specified in a compliance order is liable for a civil
2 penalty as provided in (a) of this subsection.

3 (2) (a) If the department chooses to enforce the requirements of
4 this chapter with respect to a solid waste handling facility in a
5 jurisdiction, the department must notify the jurisdictional health
6 department with a letter of intent that includes:

7 (i) The start and any end date of the department's enforcement
8 activities; and

9 (ii) The geographical boundaries of solid waste handling
10 facilities at which the enforcement activities are planned.

11 (b) If a solid waste handling facility owner or operator pays a
12 penalty under this section for a violation to a government entity,
13 any penalty imposed by a different government entity for a violation
14 based on the same incident and conduct shall be reduced by the amount
15 of the prior penalty.

16 (c) Upon receipt of an order by the jurisdictional health
17 department or department, a solid waste handling facility owner or
18 operator must provide information necessary to determine compliance
19 with the requirements of this chapter applicable to solid waste
20 handling facilities.

21 (d) An applicant or permittee must allow the jurisdictional
22 health department and department to conduct inspections and collect
23 samples.

24 (3) Penalties levied by the department under this section must be
25 deposited in the model toxics control operating account created in
26 RCW 70A.305.180.

27 (4) A person who is issued an order or incurs a penalty from a
28 jurisdictional health department or the department under this section
29 may appeal the order or penalty to the pollution control hearings
30 board established by chapter 43.21B RCW.

31 (5) This section does not apply to actions taken by the
32 department under chapter 70A.305 RCW.

33 NEW SECTION. **Sec. 6.** A new section is added to chapter 70A.205
34 RCW to read as follows:

35 By January 1, 2026, and each five years thereafter, each
36 jurisdictional health department must transmit to the department a
37 list of any violations of the requirements of this chapter
38 historically or currently identified by the jurisdictional health
39 department with respect to each solid waste facility that is

1 currently operating in the jurisdiction. This list must include a
2 description of any enforcement actions taken against the solid waste
3 facility and whether the identified violation has been resolved to
4 the satisfaction of the jurisdictional health department.

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