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ENGROSSED SUBSTITUTE HOUSE BILL 1865

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State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Chandler, Valle and Prince). Read first time March 6, 1991.

1 AN ACT Relating to the sizing of hazardous waste disposal  
2 facilities; amending RCW 70.105.215; adding a new section to chapter  
3 70.105 RCW; and declaring an emergency.

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

5 **Sec. 1.** RCW 70.105.215 and 1986 c 210 s 3 are each amended to read  
6 as follows:

7 (1) The legislature recognizes ((the)) that even if efforts at  
8 hazardous substance use reduction and waste reduction reduce the  
9 quantity of hazardous wastes generated in this region, there will  
10 probably be a need for new, modified, or expanded facilities to treat,  
11 store, incinerate, or otherwise process or dispose of hazardous  
12 substances safely. In order to ((encourage)) plan for the development  
13 of such facilities when needed, the department shall adopt rules as  
14 necessary regarding the permitting of such facilities to ensure the

1 most expeditious permit processing possible consistent with the  
2 substantive requirements of applicable law.

3 (2) The department may issue a draft permit for a new hazardous  
4 waste incinerator or landfill only if the department determines that  
5 the proposed facility is sized no larger than is necessary to meet  
6 current and future needed capacity of the region, as determined  
7 pursuant to section 2 of this act. The department may impose  
8 conditions on or deny a permit application based on the results of this  
9 determination.

10 (3) If the owner((s)) and operator((s)) of a proposed hazardous  
11 waste incinerator or landfill are not the same entity, the operator  
12 shall be the permit applicant and responsible for the development of  
13 the permit application and all accompanying materials, as long as the  
14 owner also signs the application and certifies its ownership of the  
15 real property described in the application, and acknowledges its  
16 awareness of the contents of the application and receipt of a copy  
17 thereof.

18 NEW SECTION. Sec. 2. A new section is added to chapter 70.105 RCW  
19 to read as follows:

20 As part of the hazardous waste management plan developed pursuant  
21 to RCW 70.105.200, the department shall estimate the need for landfill  
22 and incineration capacity for hazardous wastes generated in this state  
23 in the following ten years. When a draft permit is issued pursuant to  
24 RCW 70.105.215, the information in the plan shall be updated with a  
25 facility-specific needs determination, using the best available  
26 information. To the extent feasible, the department shall take into  
27 consideration the following factors in the needs determination:

1 (1) The available incinerator and landfill capacity and demand on  
2 capacity in Washington, Idaho, Oregon, and Alaska, based on information  
3 supplied by those states;

4 (2) The potential for future decreases in demand for incineration  
5 and landfilling if the preferred management hierarchy established in  
6 RCW 70.105.150 were applied to all hazardous waste generated in this  
7 state, so that wastes destined for landfill or incineration would be  
8 only those which are appropriate for that method of management; and

9 (3) The potential future increases in demand due to economic  
10 growth, regulatory changes, expanded cleanup activities, and other  
11 relevant impacts.

12 NEW SECTION. **Sec. 3.** If any provision of this act or its  
13 application to any person or circumstance is held invalid, the  
14 remainder of the act or the application of the provision to other  
15 persons or circumstances is not affected.

16 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
17 preservation of the public peace, health, or safety, or support of the  
18 state government and its existing public institutions, and shall take  
19 effect immediately.