
HOUSE BILL 1808

State of Washington

54th Legislature

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By Representatives Boldt, Rust, Brown, Schoesler and Buck

Read first time 02/09/95. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to permitting of solid waste handling facilities;
2 and amending RCW 70.95.030, 70.95.180, 70.95.185, 70.95.190, 70.95.200,
3 70.95.210, 70.95.218, and 70.95D.110.

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

5 **Sec. 1.** RCW 70.95.030 and 1992 c 174 s 16 are each amended to read
6 as follows:

7 As used in this chapter, unless the context indicates otherwise:

8 (1) "City" means every incorporated city and town.

9 (2) "Commission" means the utilities and transportation commission.

10 (3) "Committee" means the state solid waste advisory committee.

11 (4) "Department" means the department of ecology.

12 (5) "Director" means the director of the department of ecology.

13 (6) "Disposal site" means the location where any final treatment,
14 utilization, processing, or deposit of solid waste occurs.

15 (7) "Energy recovery" means a process operating under federal and
16 state environmental laws and regulations for converting solid waste
17 into usable energy and for reducing the volume of solid waste.

1 (8) "Functional standards" means criteria for solid waste handling
2 expressed in terms of expected performance or solid waste handling
3 functions.

4 (9) "Incineration" means a process of reducing the volume of solid
5 waste operating under federal and state environmental laws and
6 regulations by use of an enclosed device using controlled flame
7 combustion.

8 (10) "Jurisdictional health department" means city, county, city-
9 county, or district public health department.

10 (11) "Landfill" means a disposal facility or part of a facility at
11 which solid waste is placed in or on land and which is not a land
12 treatment facility.

13 (12) "Local government" means a city, town, or county.

14 (13) "Modify" means to change substantially in the design or
15 operational plans, including but not limited to removal of a design
16 element previously set forth in a permit application or a disposal or
17 processing activity that is not approved in the permit.

18 (14) "Multiple family residence" means any structure housing two or
19 more dwelling units.

20 (~~(14)~~) (15) "Person" means individual, firm, association,
21 copartnership, political subdivision, government agency, municipality,
22 industry, public or private corporation, or any other entity
23 whatsoever.

24 (~~(15)~~) (16) "Recyclable materials" means those solid wastes that
25 are separated for recycling or reuse, such as papers, metals, and
26 glass, that are identified as recyclable material pursuant to a local
27 comprehensive solid waste plan. Prior to the adoption of the local
28 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
29 local governments may identify recyclable materials by ordinance from
30 July 23, 1989.

31 (~~(16)~~) (17) "Recycling" means transforming or remanufacturing
32 waste materials into usable or marketable materials for use other than
33 landfill disposal or incineration.

34 (~~(17)~~) (18) "Regional facility" means any solid waste handling
35 facility that receives or is projected to receive more than twenty-five
36 percent by weight of its waste per year from outside of the planning
37 jurisdictions as established in the approved local comprehensive solid
38 waste management plan.

1 (19) "Residence" means the regular dwelling place of an individual
2 or individuals.

3 (~~(18)~~) (20) "Sewage sludge" means a semisolid substance
4 consisting of settled sewage solids combined with varying amounts of
5 water and dissolved materials, generated from a wastewater treatment
6 system, that does not meet the requirements of chapter 70.95J RCW.

7 (~~(19)~~) (21) "Solid waste" or "wastes" means all putrescible and
8 nonputrescible solid and semisolid wastes including, but not limited
9 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
10 demolition and construction wastes, abandoned vehicles or parts
11 thereof, and recyclable materials.

12 (~~(20)~~) (22) "Solid waste handling" means the management, storage,
13 collection, transportation, treatment, utilization, processing, and
14 final disposal of solid wastes, including the recovery and recycling of
15 materials from solid wastes, the recovery of energy resources from
16 solid wastes or the conversion of the energy in solid wastes to more
17 useful forms or combinations thereof.

18 (~~(21)~~) (23) "Source separation" means the separation of different
19 kinds of solid waste at the place where the waste originates.

20 (~~(22)~~) (24) "Vehicle" includes every device physically capable of
21 being moved upon a public or private highway, road, street, or
22 watercourse and in, upon, or by which any person or property is or may
23 be transported or drawn upon a public or private highway, road, street,
24 or watercourse, except devices moved by human or animal power or used
25 exclusively upon stationary rails or tracks.

26 (~~(23)~~) (25) "Waste reduction" means reducing the amount or
27 toxicity of waste generated or reusing materials.

28 **Sec. 2.** RCW 70.95.180 and 1988 c 127 s 30 are each amended to read
29 as follows:

30 (1) The following procedures apply for class one areas defined in
31 RCW 70.95.110:

32 (a) Applications for permits to operate new or existing solid waste
33 disposal sites shall be on forms prescribed by the department and shall
34 contain a description of the proposed and existing facilities and
35 operations at the site, plans and specifications for any new or
36 additional facilities to be constructed, and such other information as
37 the jurisdictional health department may deem necessary in order to

1 determine whether the site and solid waste disposal facilities located
2 thereon will comply with local and state regulations.

3 ~~((2) Upon receipt of))~~ (b) An application for a permit to
4 establish, ~~((alter, expand, improve))~~ modify, or continue in use a
5 solid waste disposal site ~~((, the jurisdictional health department shall
6 refer one copy of the application to the department which shall report
7 its findings))~~ shall be submitted to the jurisdictional health
8 department.

9 ~~((3))~~ (c) The jurisdictional health department shall investigate
10 every application as may be necessary to determine whether an existing
11 or proposed site and facilities meet all applicable laws and
12 regulations, and conforms with the approved comprehensive solid waste
13 handling plan, and complies with all zoning requirements.

14 ~~((4))~~ (d) When the jurisdictional health department finds that
15 the permit should be issued, it shall issue such permit. Every
16 application shall be approved or disapproved within ninety days after
17 its receipt by the jurisdictional health department.

18 (2) The following procedures apply for class two and three areas as
19 defined in RCW 70.95.110 and for all solid waste facilities except
20 those identified in subsection (3) of this section:

21 (a) Applications for permits to operate new or existing solid waste
22 disposal sites shall be on forms prescribed by the department and shall
23 contain a description of the proposed and existing facilities and
24 operations at the site, plans and specifications for any new or
25 additional facilities to be constructed, and such other information as
26 the jurisdictional health department may deem necessary in order to
27 determine whether the site and solid waste disposal facilities located
28 on the site will comply with local and state rules and regulations.

29 (b) An application for a permit to establish, modify, or continue
30 in use a solid waste disposal site shall be submitted simultaneously to
31 the jurisdictional health department and to the department. The
32 department and the jurisdictional health department shall conduct
33 simultaneous, coordinated, and cooperative reviews of the application.
34 The department shall report its findings to the local jurisdictional
35 health department within eighty days after the receipt of a completed
36 permit application.

37 (c) The jurisdictional health department shall investigate every
38 application as may be necessary to determine whether an existing or
39 proposed site and facilities meet all applicable laws, rules, and

1 regulations, conform with the approved comprehensive solid waste
2 handling plan, and comply with all zoning requirements.

3 (d) If the jurisdictional health department finds that the permit
4 should be issued, a permit shall be issued. Every application shall be
5 approved or disapproved within ninety days after its receipt by the
6 jurisdictional health department.

7 (3) For a regional solid waste handling facility located in a class
8 two or three area, the permit shall be issued jointly by the department
9 and the jurisdictional health department using the following
10 procedures:

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

20 (b) An application for a permit to establish, modify, or continue
21 in use a solid waste disposal site shall be submitted simultaneously to
22 the jurisdictional health department and to the department. The
23 department and the jurisdictional health department shall conduct
24 simultaneous, coordinated, and cooperative reviews of the application.

25 (c) For regional facility permit applications under this
26 subsection, the jurisdictional health department and the department
27 shall cooperatively determine which party will investigate the various
28 portions of every application, as may be necessary, to determine
29 whether an existing or proposed site and facilities meet all applicable
30 laws, rules, and regulations, conform with the approved comprehensive
31 solid waste handling plan, and comply with all zoning requirements.

32 (d) If the jurisdictional health department and the department find
33 that the permit should be issued, a permit shall be issued. Both the
34 jurisdictional health department and the department shall approve or
35 disapprove every application within ninety days after the receipt of a
36 completed application. Reasons for denial shall be provided to the
37 applicant in writing. Resolution of conflicts on permit issuance shall
38 occur as provided in RCW 70.95.210.

1 (4) The department shall provide technical assistance to the local
2 jurisdictional health departments governed by subsections (2) and (3)
3 of this section for all aspects related to permitting. For those local
4 jurisdictional health departments governed by subsection (1) of this
5 section, technical assistance shall be provided upon request.

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

10 **Sec. 3.** RCW 70.95.185 and 1984 c 123 s 8 are each amended to read
11 as follows:

12 Every permit issued by a jurisdictional health department under RCW
13 70.95.180(2), and those issued jointly by both the jurisdictional
14 health department and the department under RCW 70.95.180(3), shall be
15 reviewed by the department to ensure that the proposed site or facility
16 conforms with:

17 (1) All applicable laws and regulations including the minimal
18 functional standards for solid waste handling; and

19 (2) The approved comprehensive solid waste management plan.

20 For permits issued only by the local jurisdictional health
21 department under RCW 70.95.180(2), the department shall review the
22 permit within thirty days after the issuance of the permit by the
23 jurisdictional health department. The department may appeal the
24 issuance of the permit by the jurisdictional health department to the
25 pollution control hearings board, as described in chapter 43.21B RCW,
26 for noncompliance with subsection (1) or (2) of this section.

27 No permit issued pursuant to RCW 70.95.180 after June 7, 1984,
28 shall be considered valid unless it has been reviewed by the
29 department.

30 **Sec. 4.** RCW 70.95.190 and 1984 c 123 s 9 are each amended to read
31 as follows:

32 (1) Every permit for a solid waste disposal site issued under RCW
33 70.95.180 (1) or (2) shall be renewed ((annually)) every one to five
34 years, as determined by the local jurisdictional health department at
35 the time of permit issuance, on a date to be established by the
36 jurisdictional health department having jurisdiction of the site.
37 Prior to renewing a permit, the health department shall conduct such

1 inspections as it deems necessary to assure that the solid waste
2 disposal site and facilities located on the site meet minimum
3 functional standards of the department, applicable local regulations,
4 and are not in conflict with the approved solid waste management plan.

5 The department shall review and may appeal the renewal of permits
6 issued by the local jurisdictional health departments in accordance
7 with RCW 70.95.180(2) as set forth for the approval of permits in RCW
8 70.95.185.

9 A renewal issued under this section of permits issued by the local
10 jurisdictional health departments under RCW 70.95.180(2) shall not be
11 considered valid unless it has been reviewed by the department.

12 (2) Every permit issued for a regional solid waste disposal site
13 under RCW 70.95.180(3) shall be renewed every one to five years, as
14 determined by mutual agreement of the department and the local
15 jurisdictional health department, at the time of permit issuance, on a
16 date to be established by the department and the jurisdictional health
17 department having jurisdiction of the site. Before renewing a permit,
18 the department and the health department, based on mutual agreement of
19 which party is responsible for which portion of the review, shall
20 conduct such inspections as deemed necessary to assure that the solid
21 waste disposal site and facilities located on the site meet minimum
22 functional standards of the department and applicable local
23 regulations, and are not in conflict with the approved solid waste
24 management plan. Disputes on issuance of renewals between the
25 department and the jurisdictional health department shall be reconciled
26 under the procedures in RCW 70.95.210.

27 (3) The department shall provide technical assistance to the local
28 jurisdictional health departments governed under RCW 70.95.180 (2) or
29 (3) for all aspects related to permitting and permit renewals, if
30 requested by the local jurisdictional health department.

31 **Sec. 5.** RCW 70.95.200 and 1969 ex.s. c 134 s 20 are each amended
32 to read as follows:

33 (1) Any permit for a solid waste disposal site issued (~~as provided~~
34 ~~herein~~) under RCW 70.95.180 (1) or (2) shall be subject to suspension
35 at any time the jurisdictional health department determines that the
36 site or the solid waste disposal facilities located on the site are
37 being operated in violation of this chapter, or the regulations of the
38 department or local laws and regulations.

1 (2) Any permit for a regional solid waste facility issued jointly
2 by the department and the jurisdictional health department under RCW
3 70.95.180(3) is subject to suspension at any time the department and
4 the jurisdictional health department concur that the site or the
5 regional solid waste facility located on the site is being operated in
6 violation of this chapter, the rules of the department, or local laws
7 and regulations. Disputes between the department and the
8 jurisdictional health department shall be reconciled under the
9 procedures in RCW 70.95.210.

10 **Sec. 6.** RCW 70.95.210 and 1987 c 109 s 21 are each amended to read
11 as follows:

12 (1) Whenever the jurisdictional health department denies a permit
13 issued under RCW 70.95.180 (1) or (2) or suspends a permit for a solid
14 waste disposal site, it shall, upon request of the applicant or holder
15 of the permit, grant a hearing on such denial or suspension within
16 thirty days after the request therefor is made. Notice of the hearing
17 shall be given all interested parties including the county or city
18 having jurisdiction over the site and the department.

19 Within thirty days after the hearing, the health officer shall
20 notify the applicant or the holder of the permit in writing of his
21 determination and the reasons therefor. Any party aggrieved by such
22 determination may appeal to the pollution control hearings board by
23 filing with the hearings board a notice of appeal within thirty days
24 after receipt of notice of the determination of the health officer.
25 The hearings board shall hold a hearing in accordance with the
26 provisions of the administrative procedure act, chapter 34.05 RCW~~((as~~
27 ~~now or hereafter amended)).~~

28 (2) For regional facilities, if the department or the
29 jurisdictional health department denies a permit issued under RCW
30 70.95.180(3) or suspends a permit for a regional solid waste facility,
31 the applicant or holder of the permit may appeal to the pollution
32 control hearings board by filing with the hearings board a notice of
33 appeal within thirty days after receipt of notice of the action by the
34 department or the local jurisdictional health department. The hearings
35 board shall hold a hearing in accordance with the provisions of the
36 administrative procedure act, chapter 34.05 RCW.

1 (3) For differences that arise between the department and the
2 jurisdictional health department for dual signature permits for
3 regional facilities, RCW 70.95.210(2) applies.

4 **Sec. 7.** RCW 70.95.218 and 1993 c 286 s 2 are each amended to read
5 as follows:

6 (1) At least sixty days prior to receiving solid waste generated
7 from outside of the state, the operator of a solid waste disposal site
8 facility shall report to the department the types and quantities of
9 waste to be received from an out-of-state source. The department shall
10 develop guidelines for reporting this information. The guidelines
11 shall provide for less than sixty days notice for shipments of waste
12 made on a short-term or emergency basis. The requirements of this
13 subsection shall take effect upon completion of the guidelines.

14 (2) Upon notice under subsection (1) of this section, the
15 department shall identify all activities and costs necessary to ensure
16 that solid waste generated out-of-state meets standards relating to
17 solid waste reduction, recycling, and management substantially
18 equivalent to those required of solid waste generated within the state.
19 The department may assess a fee on the out-of-state waste sufficient to
20 recover the actual costs incurred in ensuring that the out-of-state
21 waste meets equivalent state standards. The department may delegate,
22 to a local health department, authority to implement the activities
23 identified by the department under this subsection. All money received
24 from fees imposed under this subsection shall be deposited into the
25 solid waste management account created by RCW 70.95.800, and shall be
26 used solely for the activities required by this section.

27 (3) All solid waste disposal facilities receiving waste from out of
28 state shall prepare a waste acceptance and screening procedure, on
29 forms prescribed by the department, to be reviewed and approved by the
30 department.

31 (4) The department may prohibit in-state disposal of solid waste
32 generated from outside of the state, unless the generators of the waste
33 meet: (a) Waste reduction and recycling requirements substantially
34 equivalent to those applicable in Washington state; and (b) solid waste
35 handling standards substantially equivalent to those applicable in
36 Washington state. Solid wastes prohibited from municipal solid waste
37 landfills under state law shall not be accepted for disposal from out
38 of state. These materials include, but are not limited to:

1 (a) Vehicle batteries prohibited under RCW 70.95.610;
2 (b) Liquid sewage sludge, septic tank sludge, or biosolids
3 prohibited under WAC 173-351-220;
4 (c) Used oil prohibited under RCW 70.95I.060;
5 (d) Other materials prohibited under applicable federal and state
6 statutes, rules, or local ordinances.
7 ~~((4))~~ (5) The department may adopt rules to implement this
8 section.

9 **Sec. 8.** RCW 70.95D.110 and 1989 c 431 s 75 are each amended to
10 read as follows:

11 All receipts realized in the administration of this chapter shall
12 be paid into the ~~((general fund))~~ state toxics control account.

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