

HOUSE BILL REPORT

ESHB 1792

As Amended by the Senate

Title: An act relating to certification of environmental technologies.

Brief Description: Expanding the use of environmental technology pre-certification.

Sponsors: By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Delvin, Hankins, Mastin, Linville, Veloria, Van Luven, Regala and Grant).

Brief History:

Committee Activity:

Agriculture & Ecology: 2/19/97, 2/27/97 [DPS].

Floor Activity:

Passed House: 3/12/97, 97-0.

Senate Amended.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin; Koster; Mastin; Regala and Sump.

Staff: Rick Anderson (786-7114).

Background: California has created technology certification programs to verify the performance of various environmental technologies. The purpose of the certification programs are to reduce the amount of project specific review that occurs when permitting a particular technology. The Department of Ecology participates in a multi-state forum that was formed, in part, to expedite the permitting process for environmental technologies. The California technology certification program does not include certification of technologies related to nuclear and mixed waste remediation. "Mixed waste" contains both nuclear and hazardous waste.

Summary of Bill: When requested by a project proponent, the Department of Ecology is directed to consider information from another state's technology certification program in making permit decisions relating to air, solid waste, hazardous waste, and water, if the certification program has been approved by the department.

The department is authorized to develop a technology certification program for nuclear and mixed waste remediation technologies, if all program development and operational costs are paid by the federal government or by private entities. When requested by a project proponent, the department must consider the information from its technology certification program when making permit decisions. If the department creates its own certification program, the department may also conduct pilot studies to evaluate the certification of technologies other than nuclear and mixed waste technologies. All costs of a pilot evaluation must be paid by the federal government or by private entities. The department is authorized to adopt rules if it develops a technology certification program and is directed to charge a fee to recover the operational costs of certifying a technology.

Local governments that have received delegated regulatory authority from the department may use information from a certification program when making regulatory decisions if the program has been approved or developed by the department.

EFFECT OF SENATE AMENDMENT(S): The senate amendment adds two new provisions. The state and its employees are not liable for any damages relating to the use or non-use of a technology certification program. Actions by the Department of Ecology to approve or disapprove a technology or a technology certification program are not appealable to the Pollution Control Hearings Board.

Appropriation: None.

Fiscal Note: Requested on February 18, 1997.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Repeated site specific review of new technologies is a significant obstacle to developing new cleanup technologies. This bill reduces the burden of repetitive studies while meeting environmental concerns. The concept of environmental technology certification programs is endorsed by the White House and the Environmental Protection Agency. Washington State should have its own certification program. This bill is a prime example of new thinking that will help the state move to the next level of environmental regulation. Reducing the length of the permitting process is an important issue for the Department of Ecology. The department is working with other states to evaluate the use of technology certification programs as a tool to reduce permitting times.

Testimony Against: There are not a lot of great technologies just waiting to get a permit. The bill is not clear as to how the department will use information from a certification program. This must be clarified. State cleanup standards should not be reduced.

Testified: Jerry Smedes, Washington Environmental Industry Association (pro); Scott Hazelgrove, Association of Washington Businesses (pro); Tom Eaton, Department of Ecology (pro); and Betty Tabbott (con).