

FINAL BILL REPORT

ESHB 1792

C 419 L 97

Synopsis as Enacted

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).

House Committee on Agriculture & Ecology
Senate Committee on Agriculture & Environment

Background: The Department of Ecology participates in a multi-state forum that was formed, in part, to expedite the permitting process for environmental technologies. California has created technology certification programs to evaluate the performance of various environmental technologies. The purpose of the certification programs is to reduce the amount of project specific review that occurs when permitting a particular technology. 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: 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 a 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 a program has been approved or developed by the department. 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.

Votes on Final Passage:

House 97 0

Senate 45 0 (Senate amended)

House 89 0 (House concurred)

Effective: July 27, 1997