
SENATE BILL 6203

State of Washington

55th Legislature

1998 Regular Session

By Senators Morton, Fraser, Snyder and Swecker

Read first time 01/13/98. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to solid waste permitting; amending RCW 70.95.020,
2 70.95.030, 70.95.170, and 70.95.190; and adding new sections to chapter
3 70.95 RCW.

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

5 **Sec. 1.** RCW 70.95.020 and 1985 c 345 s 2 are each amended to read
6 as follows:

7 The purpose of this chapter is to establish a comprehensive state-
8 wide program for solid waste handling, and solid waste recovery and/or
9 recycling which will prevent land, air, and water pollution and
10 conserve the natural, economic, and energy resources of this state. To
11 this end it is the purpose of this chapter:

12 (1) To assign primary responsibility for adequate solid waste
13 handling to local government, reserving to the state, however, those
14 functions necessary to assure effective programs and consistency
15 throughout the state;

16 (2) To provide for adequate planning for solid waste handling by
17 local government;

18 (3) To provide for the adoption and enforcement of basic minimum
19 performance standards for solid waste handling;

1 (4) To provide technical and financial assistance to local
2 governments in the planning, development, and conduct of solid waste
3 handling programs;

4 (5) To encourage storage, proper disposal, and recycling of
5 discarded vehicle tires and to stimulate private recycling programs
6 throughout the state; and

7 (6) To provide for a permitting system that appropriately manages
8 environmental risks from solid waste handling.

9 It is the intent of the legislature that local governments be
10 encouraged to use the expertise of private industry and to contract
11 with private industry to the fullest extent possible to carry out solid
12 waste recovery and/or recycling programs.

13 **Sec. 2.** RCW 70.95.030 and 1997 c 213 s 1 are each amended to read
14 as follows:

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

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

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

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

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

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

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

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

26 (8) "Functional standards" means criteria for solid waste handling
27 expressed in terms of expected performance or solid waste handling
28 functions.

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

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

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

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

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

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

7 (15) "Person" means individual, firm, association, copartnership,
8 political subdivision, government agency, municipality, industry,
9 public or private corporation, or any other entity whatsoever.

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

17 (17) "Recycling" means transforming or remanufacturing waste
18 materials into usable or marketable materials for use other than
19 landfill disposal or incineration.

20 (18) "Residence" means the regular dwelling place of an individual
21 or individuals.

22 (19) "Sewage sludge" means a semisolid substance consisting of
23 settled sewage solids combined with varying amounts of water and
24 dissolved materials, generated from a wastewater treatment system, that
25 does not meet the requirements of chapter 70.95J RCW.

26 (20) "Solid waste" or "wastes" means all putrescible and
27 nonputrescible solid and semisolid wastes including, but not limited
28 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
29 demolition and construction wastes, abandoned vehicles or parts
30 thereof, and recyclable materials, but does not mean any materials that
31 are deemed not to be solid waste or wastes under rules adopted by the
32 department.

33 (21) "Solid waste handling" means the management, storage,
34 collection, transportation, treatment, utilization, processing, and
35 final disposal of solid wastes, including the recovery and recycling of
36 materials from solid wastes, the recovery of energy resources from
37 solid wastes or the conversion of the energy in solid wastes to more
38 useful forms or combinations thereof.

1 (22) "Source separation" means the separation of different kinds of
2 solid waste at the place where the waste originates.

3 (23) "Vehicle" includes every device physically capable of being
4 moved upon a public or private highway, road, street, or watercourse
5 and in, upon, or by which any person or property is or may be
6 transported or drawn upon a public or private highway, road, street, or
7 watercourse, except devices moved by human or animal power or used
8 exclusively upon stationary rails or tracks.

9 (24) "Waste reduction" means reducing the amount or toxicity of
10 waste generated or reusing materials.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.95 RCW
12 to read as follows:

13 (1) The department may by rule exempt one or more categories of
14 material from designation as solid waste for purposes of this chapter.
15 In adopting such a rule, the department shall consider the following:

16 (a) Whether the material will be beneficially used or reused; and

17 (b) Whether the beneficial use or reuse of the material will
18 present threats to human health or the environment.

19 (2) The department may by rule establish procedures for seeking a
20 determination that any materials not exempted by rules adopted under
21 subsection (1) of this section are exempt from designation as solid
22 wastes for purposes of this chapter. The rules shall establish
23 criteria to be considered in making the determination, which shall
24 include, but not be limited to, the criteria set forth in subsection
25 (1) of this section. Persons seeking such a determination shall apply
26 to the jurisdictional health department for the area in which the
27 material is generated or is to be used. Rules adopted under this
28 subsection shall require that, at a minimum, the procedures in
29 subsection (3) of this section are followed.

30 (3) After receipt of an application filed under rules adopted under
31 subsection (2) of this section, the jurisdictional health department
32 shall review it to determine whether the material described in the
33 application should be designated a solid waste for purposes of this
34 chapter. If the jurisdictional health department determines that a
35 material should be exempt from designation as a solid waste, then it
36 shall forward its determination, the application, and any other
37 information it deems relevant to the department for concurrence. Only
38 if the department concurs with the jurisdictional health department's

1 determination may the material be exempt from designation as a solid
2 waste for purposes of this chapter. After determination by the
3 jurisdictional health department and concurrence by the department, the
4 material is exempt from designation as a solid waste when used anywhere
5 in the state in the manner approved by the jurisdictional health
6 department and the department. Any change in the composition, use, or
7 reuse of the material invalidates the determination.

8 **Sec. 4.** RCW 70.95.170 and 1997 c 213 s 2 are each amended to read
9 as follows:

10 Except as provided otherwise in section 6 of this act, after
11 approval of the comprehensive solid waste plan by the department no
12 solid waste handling facility or facilities shall be maintained,
13 established, or modified until the county, city, or other person
14 operating such site has obtained a permit (~~(from the jurisdictional~~
15 ~~health department)) pursuant to (~~(the provisions of))~~ RCW 70.95.180
16 (~~(or))~~, 70.95.190, or section 6 of this act.~~

17 **Sec. 5.** RCW 70.95.190 and 1997 c 213 s 4 are each amended to read
18 as follows:

19 (1) Every permit for an existing solid waste handling facility
20 issued pursuant to RCW 70.95.180 shall be renewed at least every five
21 years on a date established by the jurisdictional health department
22 having jurisdiction of the site and as specified in the permit. If a
23 permit is to be renewed for longer than one year, the local
24 jurisdictional health department may hold a public hearing before
25 making such a decision. Prior to renewing a permit, the health
26 department shall conduct a review as it deems necessary to assure that
27 the solid waste handling facility or facilities located on the site
28 continues to meet minimum functional standards of the department,
29 applicable local regulations, and are not in conflict with the approved
30 solid waste management plan. A jurisdictional health department shall
31 approve or disapprove a permit renewal within forty-five days of
32 conducting its review. The department shall review and may appeal the
33 renewal as set forth for the approval of permits in RCW 70.95.185.

34 (2) The jurisdictional board of health may establish reasonable
35 fees for permits reviewed under this section. All permit fees
36 collected by the health department shall be deposited in the treasury

1 and to the account from which the health department's operating
2 expenses are paid.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.95 RCW
4 to read as follows:

5 (1) Notwithstanding any other provision of this chapter, the
6 department may exempt any category of solid waste handling facility
7 that it determines to present little or no environmental risk from the
8 requirements to obtain a solid waste handling permit.

9 (2) This section does not apply to any facility or category of
10 facility:

11 (a) That receives waste destined for final proposal;

12 (b) The operation of which is determined by rule of the department
13 to present risks to human health or the environment, which risks are
14 equivalent to those risks posed by any transfer, storage, or disposal
15 facility of wastes destined for disposal.

16 (3) Rules adopted under this section shall contain such terms and
17 conditions as the department deems necessary to ensure compliance with
18 applicable statutes and regulations.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 70.95 RCW
20 to read as follows:

21 (1) Notwithstanding any other provisions of this chapter, the
22 department shall develop rules describing when a jurisdictional health
23 department may defer permitting to other environmental permits issued
24 for the same facility. A deferral to other environmental laws, rules,
25 regulations, or permits may be done, at the option of the
26 jurisdictional health department, if it is determined that assurance of
27 human health and environmental protection is adequately covered.

28 (2) This section does not apply to any facility or category of
29 facility:

30 (a) That receives waste destined for final disposal;

31 (b) The operation of which is determined by rule of the department
32 to present risks to human health and the environment, which risks are
33 equivalent to those risks posed by and transfer, storage, or disposal
34 facility of wastes destined for disposal.

1 (3) Rules adopted under this section shall contain such terms and
2 conditions as the department deems necessary to ensure compliance with
3 applicable statutes and regulations.

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