

2 SHB 2670 - S COMM AMD

3 By Committee on Environmental Quality & Water Resources

4 ADOPTED 3/3/00

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 70.95.215 and 1985 c 436 s 1 are each amended to read
8 as follows:

9 (1) By July 1, 1987, each holder or applicant of a permit for a
10 landfill disposal facility issued under this chapter shall establish a
11 reserve account to cover the costs of closing the facility in
12 accordance with state and federal regulations. The account shall be
13 designed to ensure that there will be adequate revenue available by the
14 projected date of closure. A landfill disposal ((facilities)) facility
15 maintained on private property for the sole use of the entity owning
16 the site and a landfill disposal facility operated and maintained by a
17 government shall not be required to establish a reserve account if, to
18 the satisfaction of the department, ((they)) the entity or government
19 provides another form of financial assurance adequate to comply with
20 the requirements of this section.

21 (2) By July 1, 1986, the department shall adopt rules under chapter
22 34.05 RCW to implement subsection (1) of this section. The department
23 is not required to adopt rules pertaining to other approved forms of
24 financial assurance to cover the costs of closing a landfill disposal
25 facility. The rules shall include but not be limited to:

26 (a) Methods to estimate closure costs, including postclosure
27 monitoring, pollution prevention measures, and any other procedures
28 required under state and federal regulations;

29 (b) Methods to ensure that reserve accounts receive adequate funds,
30 including:

31 (i) Requirements that the reserve account be generated by user
32 fees. However, the department may waive this requirement for existing
33 landfills if user fees would be prohibitively high;

34 (ii) Requirements that moneys be placed in the reserve account on
35 a regular basis and that the reserve account be kept separate from all
36 other accounts; and

1 (iii) Procedures for the department to verify that adequate sums
2 are deposited in the reserve account; and

3 (c) Methods to ensure that other types of financial assurance
4 provided in accordance with subsection (1) of this section are adequate
5 to cover the costs of closing the facility.

6 NEW SECTION. Sec. 2. (1) The state solid waste advisory committee
7 shall direct a study by the department of ecology and the utilities and
8 transportation commission on the adequacy of financing to assure
9 landfill closure. The study shall include, but is not limited to:

10 (a) Clear description of the financial assurance mechanisms
11 authorized by law;

12 (b) A summary of current financial assurances for landfill closure
13 currently in place for all landfills in the state. The department
14 shall compile this information from existing sources such as capital
15 facilities plans authorized under the growth management act, local
16 government solid waste management plans and budgets, and financial
17 audits by the state auditor. The summary shall include, but shall not
18 be limited to:

19 (i) A list of all landfill disposal facilities, the ownership of
20 the facilities, and whether the facilities have an affiliated interest,
21 as defined in chapter 81.16 RCW, with a solid waste collection company;

22 (ii) The estimated cost to close the landfill and the years to
23 closure;

24 (iii) The financial mechanisms approved by the jurisdictional
25 health department or the department to assure landfill closure; and

26 (iv) The status of financial mechanisms, including account balance,
27 loans against, or encumbrances on the financial mechanisms; and

28 (c) The effect of various financial assurance mechanisms on
29 consumers' rates.

30 (2) The report shall include recommendations for modifying
31 requirements for financing mechanisms to assure landfill closure and
32 maintaining and reporting information on the status of financial
33 assurances. The solid waste advisory committee shall provide the
34 report to the legislature by December 15, 2000."

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4 On page 1, line 2 of the title, after "facilities;" strike the
5 remainder of the title and insert "amending RCW 70.95.215; and creating
6 a new section."

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