

2 2SSB 5730 - S AMD - 287

3 By Senators Rasmussen, Swecker, Fraser and Morton

4 ADOPTED 3/17/99

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  
10 a landfill disposal facility issued under this chapter shall establish  
11 a 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. Landfill disposal facilities maintained on  
15 private property for the sole use of the entity owning the site shall  
16 not be required to establish a reserve account if, to the satisfaction  
17 of the department, they provide another form of financial assurance  
18 adequate to comply with the requirements of this section.

19 (2) (~~By July 1, 1986,~~) The department shall adopt rules (~~under~~  
20 ~~chapter 34.05 RCW~~) to implement subsection (1) of this section. The  
21 rules shall include but not be limited to:

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

25 (b) Methods to ensure that reserve accounts receive adequate funds,  
26 including:

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

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

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

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

4 (3) In addition to the reserve account required under subsections  
5 (1) and (2) of this section, each holder or applicant for a new, above-  
6 ground landfill disposal facility shall demonstrate sufficient  
7 financial capability in the form of a surety bond to provide for any  
8 temporary or permanent facility clean up and closure due to any  
9 unforeseen emergency event including, but not limited to, a geologic or  
10 weather-related event or fire, that results in a breach of integrity of  
11 the landfill. This financial assurance requirement shall be  
12 incorporated as a condition of the permit issued for the facility by  
13 the jurisdictional health department. The condition shall be jointly  
14 reviewed and approved by the department of ecology and the  
15 jurisdictional health department.

16 For purposes of this subsection, new, above-ground landfill  
17 disposal facilities are those: (a) That as designed and when completed  
18 will exceed one hundred acres; (b) whose horizontal height at design  
19 capacity averages one hundred feet or more above existing site  
20 elevations; and (c) no part or unit of which has had construction  
21 commence before the effective date of this section.

22 NEW SECTION. Sec. 2. This act is necessary for the immediate  
23 preservation of the public peace, health, or safety, or support of the  
24 state government and its existing public institutions, and takes effect  
25 immediately."

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29 On page 1, line 2, of the title, after "landfills;" strike the  
30 remainder of the title and insert "amending RCW 70.95.215; and  
31 declaring an emergency."

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