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SENATE BILL 6040

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State of Washington

57th Legislature

2001 Regular Session

By Senator Rasmussen

Read first time 02/15/2001. Referred to Committee on Environment,  
Energy & Water.

1 AN ACT Relating to modifying landfill facility operations to  
2 receive waste from out-of-area sources; and amending RCW 70.95.180 and  
3 70.95.185.

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

5 **Sec. 1.** RCW 70.95.180 and 1997 c 213 s 3 are each amended to read  
6 as follows:

7 (1) Applications for permits to operate a new or modified solid  
8 waste handling facility shall be on forms prescribed by the department  
9 and shall contain a description of the proposed facilities and  
10 operations at the site, plans and specifications for any new or  
11 additional facilities to be constructed, and such other information as  
12 the jurisdictional health department may deem necessary in order to  
13 determine whether the site and solid waste disposal facilities located  
14 thereon will comply with local and state regulations.

15 (2) Upon receipt of an application for a permit to establish or  
16 modify a solid waste handling facility, the jurisdictional health  
17 department shall refer one copy of the application to the department  
18 which shall report its findings to the jurisdictional health  
19 department, and, for applications to modify facility operations under

1 subsection (3) of this section, shall issue its concurrence or  
2 nonconcurrence under RCW 70.95.185 following receipt by the department  
3 of the jurisdictional health department's recommendations.

4 (3) An owner or operator of a solid waste landfill facility located  
5 west of the crest of the Cascade mountains who proposes to modify  
6 facility operations as defined in this subsection shall obtain a permit  
7 for the modifications and a concurrence by the department as provided  
8 under RCW 70.95.185. When the owner or operator of such a facility  
9 proposes to increase on an annual basis the disposal of municipal solid  
10 waste generated within the state but outside the county in which the  
11 facility is located, in an amount greater than ten thousand tons more  
12 than the preceding calendar year, such increase shall be considered a  
13 modification of facility operations. In addition to the determinations  
14 under this subsection, the jurisdictional health department shall  
15 require the applicant to provide information on the types and  
16 quantities of waste to be disposed in the facility, and shall obtain  
17 information from the jurisdictional health departments in the areas  
18 generating the waste regarding compliance of waste generators and  
19 transporters with the applicable local comprehensive solid waste  
20 management program.

21 (4) The jurisdictional health department shall investigate every  
22 application as may be necessary to determine whether a proposed or  
23 modified site and facilities meet all solid waste, air, and other  
24 applicable laws and regulations, and conforms with the approved  
25 comprehensive solid waste handling plan, and complies with all zoning  
26 requirements.

27 ~~((+4))~~ (5) When the jurisdictional health department finds that  
28 the permit should be issued, it shall issue such permit. For  
29 applications to modify facility operations under subsection (3) of this  
30 section, the jurisdictional health department shall obtain the  
31 concurrence of the department before issuing the permit. Every  
32 application shall be approved or disapproved within ninety days after  
33 its receipt by the jurisdictional health department.

34 ~~((+5))~~ (6) The jurisdictional board of health may establish  
35 reasonable fees for permits and renewal of permits. All permit fees  
36 collected by the health department shall be deposited in the treasury  
37 and to the account from which the health department's operating  
38 expenses are paid.

1       **Sec. 2.** RCW 70.95.185 and 1984 c 123 s 8 are each amended to read  
2 as follows:

3       (1) Except for permits requiring concurrence by the department  
4 before issuance under subsection (2) of this section, every permit  
5 issued by a jurisdictional health department under RCW 70.95.180 shall  
6 be reviewed by the department to ensure that the proposed site or  
7 facility conforms with:

8       ~~((+1))~~ (a) All applicable laws and regulations including the  
9 minimal functional standards for solid waste handling; and

10       ~~((+2))~~ (b) The approved comprehensive solid waste management plan.

11       The department shall review the permit within thirty days after the  
12 issuance of the permit by the jurisdictional health department. The  
13 department may appeal the issuance of the permit by the jurisdictional  
14 health department to the pollution control hearings board, as described  
15 in chapter 43.21B RCW, for noncompliance with subsection (1) ~~((or (2)))~~  
16 (a) or (b) of this section.

17       No permit issued pursuant to RCW 70.95.180 after June 7, 1984,  
18 shall be considered valid unless it has been reviewed by the  
19 department.

20       (2) The jurisdictional health department shall forward applications  
21 to modify facility operations under RCW 70.95.180(3) to the department  
22 within five days of receiving a complete application. The department  
23 shall review the application to ensure that:

24       (a) The proposed facility operations will conform to all applicable  
25 laws and regulation, including the minimum functional standards for  
26 solid waste handling;

27       (b) The handling of waste generated and transported to the facility  
28 will conform to the applicable local comprehensive solid waste  
29 management plans for the areas in which the waste is generated; and

30       (c) The standards for source separation and recycling services,  
31 diversion of dangerous waste, and waste reduction programs to which the  
32 waste is subject in the areas in which it is generated are  
33 substantially equivalent to those of solid waste generated in the  
34 county or city in which the landfill disposal facility is located.

35       The department shall inform the jurisdictional health department of  
36 its concurrence or nonconcurrence within forty-five days of receipt of  
37 the complete application. A concurrence may include such conditions as  
38 may be necessary to ensure the waste to be disposed in the facility is  
39 subject to standards for source separation and recycling, diversion of

1 dangerous waste, and waste reduction substantially equivalent to those  
2 of solid waste generated in the county or city in which the landfill  
3 disposal facility is located. The jurisdictional health department  
4 shall not issue the permit without a concurrence from the department.

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