

SENATE BILL REPORT

SB 6096

As Reported By Senate Committee On:
Ecology & Parks, January 30, 1996

Title: An act relating to financial responsibility requirements for operators of solid waste landfills.

Brief Description: Changing financial responsibility requirements for operators of solid waste landfills.

Sponsors: Senator Rasmussen.

Brief History:

Committee Activity: Ecology & Parks: 1/16/96, 1/30/96 [DPS].

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Bill No. 6096 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; Fairley, Vice Chair; Spanel and Swecker.

Staff: Susan Ridgley (786-7444)

Background: Under current state law, all permitted solid waste landfills must be able to pay for the closure and post-closure care of the facility. The regulations require that public facilities establish a reserve account. Private facilities, which deal with their own waste on their own property, are allowed to use alternative funding mechanisms. The reserve account funds are gradually accrued over the life of the facility or part of the facility, so that by the time it is needed the funds equal the original cost estimate for closure and post-closure care of that part of the facility.

People living close to above-grade solid waste landfill facilities are concerned about what might happen in the event of a natural or man-made catastrophe which might prematurely close the facility or cause damage in excess of the original cost estimate.

Summary of Substitute Bill: A new legal category of landfills is created, which are large, above-grade landfills that meet three requirements: (1) their design capacity could be larger than 100 acres in area; (2) their design capacity could average more than 100 feet in height above the existing site; and (3) they are wholly new facilities. The permit applicants or holders for these landfills must be able to demonstrate that they have the financial capacity to deal with the cleanup and closure at the facility due to an emergency event. The Department of Ecology must develop rules to specify how the particular financial instrument is chosen, and a system to assure that the money is available at each stage of the facility's life, commensurate with the risks posed. This financial demonstration is incorporated as a permit condition, to be jointly reviewed by the permitting county and the Department of Ecology.

Substitute Bill Compared to Original Bill: The original bill specified only one financial instrument: a cash bond sufficient to fund the full cost of a temporary or permanent closure due to an emergency.

Appropriation: None.

Fiscal Note: Requested on January 10, 1996.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Current financial assurance mechanisms are designed just to pay for closure of a facility at end of its life. Such a disaster is inevitable because of its proximity to an active seismic zone; experts have said the fill will "liquify." Unless the operator can pay for it, cleanup will be paid through taxpayer dollars (state Superfund).

Testimony Against: Additional financial assurance mechanisms will unnecessarily increase the cost of siting landfills without any additional public benefit.

Testified: Stephen C. Wamback, Pierce County (con); Dan Syrdal, Land Recovery Inc. (con); Wendy Hall, R-CAUS (pro); Marianne Krzek, Trout Unlimited (pro); Bill Vogler, WSAC (con); Jim Pendowski, Dept. of Ecology; Gary Geddes, NW Trek Wildlife Park (pro).