

# HOUSE BILL REPORT

## SHB 2308

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### As Passed Legislature

**Title:** An act relating to requiring the department of ecology to develop specific criteria for the types of solid wastes that are allowed to be received by inert waste landfills.

**Brief Description:** Requiring the department of ecology to develop specific criteria for the types of solid wastes that are allowed to be received by inert waste landfills.

**Sponsors:** By House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Schoesler and Cox).

**Brief History:**

**Committee Activity:**

Fisheries, Ecology & Parks: 2/3/04, 2/6/04 [DPS].

**Floor Activity:**

Passed House: 2/17/04, 80-16.

Passed Senate: 3/5/04, 49-0.

Passed Legislature.

### Brief Summary of Substitute Bill

- Requires the Department of Ecology to develop criteria for inert waste landfills that allows specific materials to be disposed of in an inert waste landfill that was operational prior to February 10, 2003, and is located in a county with less than 45,000 residents and at a site that receives less than 25 inches of annual rainfall.

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## HOUSE COMMITTEE ON FISHERIES, ECOLOGY & PARKS

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**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck, Hatfield, O'Brien, Pearson and D. Simpson.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Cooper, Chair; and Upthegrove, Vice Chair.

**Staff:** Jason Callahan (786-7117).

## **Background:**

The Department of Ecology is required to adopt administrative rules that establishes the minimum functional standards for landfills. The original rules for landfills were adopted by Ecology in 1985. On February 10, 2003, substantial revisions to the rules took effect. New landfills are required to abide by the rules immediately, while existing landfills must satisfy the new requirements over a phased transition period.

Among the changes in the new landfill rules are the criteria for limited purpose landfills that only accept inert waste. The new rules affect both the functional standards for inert waste landfills and the criteria for what can be accepted into an inert waste landfill. A waste material can be accepted into an inert waste landfill only if it satisfies a number of criteria. These include being inflammable, being resistant to biological and chemical degradation, and not being capable of producing a leachate or emission that has a potential negative impact on the environment.

Regardless of the outcome of the tests for inert status, the new rules categorically include a number of waste types into the inert waste category. These are certain cured concretes, certain asphaltic materials, brick and masonry that was used for construction purposes, ceramic materials produced from clay or porcelain, certain glasses, and stainless steel and aluminum.

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## **Summary of Substitute Bill:**

Standards for inert waste landfills must be developed to contain, at a minimum, a list of substances that an inert waste landfill may accept if the landfill satisfies certain criteria. Landfills that must be allowed to accept the list of substances are any inert waste landfills that were operational prior to February 10, 2003, and are located in a county with less than 45,000 residents and at a site that receives less than 25 inches of rain annually, based on a five-year average.

The wastes that qualifying inert waste landfills must be allowed to accept include:

- Cured concrete, masonry, and asphaltic materials;
- Glass, regardless of its composition;
- Brick and masonry;
- Stainless steel; and
- Other materials defined in the Washington Administrative Code.

Ecology can prohibit these materials from being disposed of in a qualifying landfill if the materials have been made more dangerous than the inherent material to human health or the environment through exposure to chemical, physical, biological, or radiological substances.

Ecology is also directed to work with the owners and operators of inert waste landfills to transition into a limited purpose landfill.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Asotin County has limited waste disposal options. The capacity will soon be reached in their general purpose landfill, and no other landfills are nearby or easily accessible. Without alternatives, residents will have to go to Idaho, dump illegally, or burn the waste, all of which does not benefit the environment. Areas with low rainfall have little risk of leachate escaping from a landfill, and low-population counties do not have the necessary economy of scale to support public-private partnerships.

**Testimony Against:** The new landfill rules are designed to make sure that inert waste landfills only receive wastes that are truly inert in character. Wood and roofing materials in particular are concerning because of the high probability of leachates and gasses escaping. This bill impacts many landfills, not just those in one or two counties. Unlined landfills can be managed so that they can remain open and only accept non-inert materials.

**Persons Testifying:** (In support) Representative Mark Schoesler, prime sponsor.

(Opposed) Cullen Stephenson, Department of Ecology.

**Persons Signed In To Testify But Not Testifying:** None.