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SHB 1865 - H AMD 261 Adopted 3-19-91

2 By Representatives Rust and Horn

3 Strike everything after the enacting clause and insert the
4 following:

5 **Sec. 1.** RCW 70.105.215 and 1986 c 210 s 3 are each amended to
6 read as follows:

7 (1) The legislature recognizes ((the)) that even if efforts at
8 hazardous substance use reduction and waste reduction reduce the
9 quantity of hazardous wastes generated in this region, there will
10 probably be a need for new, modified, or expanded facilities to
11 treat, store, incinerate, or otherwise process or dispose of
12 hazardous substances safely. In order to ((encourage)) plan for
13 the development of such facilities when needed, the department
14 shall adopt rules as necessary regarding the permitting of such
15 facilities to ensure the most expeditious permit processing
16 possible consistent with the substantive requirements of applicable
17 law.

18 (2) The department may issue a draft permit for a new
19 hazardous waste incinerator or landfill only if the department
20 determines that the proposed facility is sized no larger than is
21 necessary to meet current and future needed capacity of the region,
22 as determined pursuant to section 2 of this act. The department
23 may impose conditions on or deny a permit application based on the

1 results of this determination.

2 (3) If the owner((s)) and operator((s)) of a proposed
3 hazardous waste incinerator or landfill are not the same entity,
4 the operator shall be the permit applicant and responsible for the
5 development of the permit application and all accompanying
6 materials, as long as the owner also signs the application and
7 certifies its ownership of the real property described in the
8 application, and acknowledges its awareness of the contents of the
9 application and receipt of a copy thereof.

10 NEW SECTION. Sec. 2. A new section is added to chapter
11 70.105 RCW to read as follows:

12 As part of the hazardous waste management plan developed
13 pursuant to RCW 70.105.200, the department shall estimate the need
14 for landfill and incineration capacity for hazardous wastes
15 generated in this state in the following ten years. When a draft
16 permit is issued pursuant to RCW 70.105.215, the information in the
17 plan shall be updated with a facility-specific needs determination,
18 using the best available information. To the extent feasible, the
19 department shall take into consideration the following factors in
20 the needs determination:

21 (1) The available incinerator and landfill capacity and demand
22 on capacity in Washington, Idaho, Oregon, and Alaska, based on
23 information supplied by those states;

24 (2) The potential for future decreases in demand for
25 incineration and landfilling if the preferred management hierarchy

1 established in RCW 70.105.150 were applied to all hazardous waste
2 generated in this state, so that wastes destined for landfill or
3 incineration would be only those which are appropriate for that
4 method of management; and

5 (3) The potential future increases in demand due to economic
6 growth, regulatory changes, expanded cleanup activities, and other
7 relevant impacts.

8 NEW SECTION. **Sec. 3.** If any provision of this act or
9 its application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 4.** This act is necessary for the
13 immediate preservation of the public peace, health, or safety, or
14 support of the state government and its existing public
15 institutions, and shall take effect immediately."

EFFECT: Includes some technical and grammatical corrections.
Refers to hazardous waste incinerators and landfills instead
of hazardous waste disposal facilities. Explicitly authorizes
the Department of Ecology to condition or deny a permit on the
basis of the needs determination. The needs study is required
to consider waste generation over a ten year period only.