

HOUSE BILL REPORT

HB 1865

*As Reported By House Committee on:
Environmental Affairs*

Title: An act relating to the sizing of hazardous waste disposal facilities.

Brief Description: Providing for hazardous waste planning.

Sponsor(s): Representatives Rust, Chandler, Valle and Prince.

Brief History:

Reported by House Committee on:
Environmental Affairs, March 5, 1991, DPS.

**HOUSE COMMITTEE ON
ENVIRONMENTAL AFFAIRS**

Majority Report: *That Substitute House Bill No. 1865 be substituted therefor, and the substitute bill do pass.*
Signed by 8 members: Representatives Rust, Chair; Valle, Vice Chair; Bray; Brekke; G. Fisher; Phillips; Pruitt; and Sprenkle.

Minority Report: *Do not pass.* Signed by 4 members: Representatives Horn, Vice Chair; Edmondson, Assistant Ranking Minority Member; Neher; and D. Sommers.

Staff: Harry Reinert, (786-7110).

Background: In 1983, the Legislature established priorities for the management and regulation of hazardous wastes. Waste reduction is the first priority in the management of hazardous waste. The remaining priorities, in descending order, are waste recycling, treatment, incineration, solidification or stabilization, and landfill.

The Legislature also directed the Department of Ecology to conduct a study of the best management practices for different categories of waste under the statutory priorities. The study was due to be completed by July 1986, and rules adopted by July 1987. The solid waste advisory committee was directed to report to the Legislature by January 1988, on policy options to reduce the production of hazardous wastes. The studies must be updated every five years.

In 1985, the Legislature directed the department to prepare a hazardous waste management plan. The plan was to be completed by 1987. The current schedule being followed by the department calls for completion of the management plan in mid 1991. The plan must include an inventory of existing capacity to manage hazardous wastes, a forecast of future waste generation, a description of the best management practices study, siting criteria and policies, and a public involvement process.

The Department of Ecology is the state agency with authority to issue permits for hazardous waste management facilities. The Legislature has directed the department to adopt rules allowing for expeditious issuance of permits consistent with the requirements of state and federal law.

Summary of Substitute Bill: The Department of Ecology may issue a draft permit for a hazardous waste disposal facility only if the department determines that the facility is sized no larger than is necessary to meet the region's needs.

The hazardous waste management plan shall include an estimate of the need for additional landfill and incineration capacity. When a draft permit is issued for a hazardous waste incinerator or landfill, the hazardous waste management plan shall be updated with facility-specific information relating to the needs' determination.

In determining the need for a facility, the department shall consider: (1) the available incinerator and landfill capacity in Alaska, Oregon, and Idaho; (2) the potential for future decreases in demand for facilities if the waste management hierarchy is applied to wastes generated, treated, or stored in the state; and (3) the potential for increased generation due to economic growth, expanded cleanup, and other relevant impacts.

Substitute Bill Compared to Original Bill: The substitute bill limits the needs determination to the issuance of a draft permit for a hazardous waste disposal facility. The substitute also modifies the factors to be considered in the needs determination.

Fiscal Note: Requested February 25, 1991. Fiscal note on substitute requested March 7, 1991.

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

Testimony For: The state has adopted a set of priorities for hazardous waste management. If an incinerator or landfill is built which is larger than the region needs,

there will be a tendency to drive down the cost of this method of dealing with hazardous waste, upsetting the priorities. There will also be a tendency to attract hazardous wastes from other parts of the country in order to make the disposal facility economically viable.

Testimony Against: This bill is unnecessary. The state already has the authority under the State Environmental Policy Act to condition and limit the size of a hazardous waste disposal facility. The bill also changes the requirements under which the developers have to work after they have begun to develop their proposals.

Witnesses: Betty Tabbutt, Washington Environmental Council (pro); Maria Zannes, ECOS (con); Ray Owens, Kittitas County (pro); Mickey Gendler, Bob Davis, and Leslie Fanning, Concerned Citizens for Royal Slope (pro); David Michener, Chem Waste (pro); Jim Boldt, Rabanco (con); Bruce Wishart, Sierra Club (pro); and Terry Husseman, Department of Ecology (pro).