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**SUBSTITUTE HOUSE BILL 1690**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Hansen, Chandler and Bray)

Read first time 03/01/93.

1 AN ACT Relating to implementing the state hazardous waste  
2 management plan; amending RCW 70.105.150 and 70.105.215; and adding new  
3 sections to chapter 70.105 RCW.

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

5 **Sec. 1.** RCW 70.105.150 and 1983 1st ex.s. c 70 s 1 are each  
6 amended to read as follows:

7 The legislature hereby declares that:

8 (1) The health and welfare of the people of the state depend on  
9 clean and pure environmental resources unaffected by hazardous waste  
10 contamination. Management and regulation of hazardous waste disposal  
11 should encourage practices which result in the least amount of waste  
12 being produced. Towards that end, the legislature finds that the  
13 following priorities in the management of hazardous waste are necessary  
14 and should be followed in order of descending priority as applicable:

15 (a) Waste reduction;

16 (b) Waste recycling;

17 (c) Energy recovery;

18 (d) Physical, chemical, and biological treatment;

19 ~~((d))~~ (e) Incineration;

1       ~~((e))~~ (f) Solidification/stabilization treatment;

2       ~~((f))~~ (g) Landfill.

3       (2) As used in this section:

4       (a) "Waste reduction" means reducing waste so that hazardous  
5 byproducts are not produced;

6       (b) "Waste recycling" means ~~((reusing waste))~~ materials ~~((and  
7 extracting valuable materials from a waste stream))~~ reuse, recovery,  
8 and reclamation;

9       (c) "Energy recovery" means burning a hazardous waste as an  
10 alternative fuel in order to recover heat content of the waste;

11       (d) "Physical, chemical, and biological treatment" means processing  
12 the waste to render it completely innocuous, produce a recyclable  
13 byproduct, reduce toxicity, or substantially reduce the volume of  
14 material requiring disposal;

15       ~~((d))~~ (e) "Incineration" means reducing the volume or toxicity of  
16 wastes by use of an enclosed device using controlled flame combustion;

17       ~~((e))~~ (f) "Solidification/stabilization treatment" means the use  
18 of encapsulation techniques to solidify wastes and make them less  
19 permeable or leachable; and

20       ~~((f))~~ (g) "Landfill" means a disposal facility, or part of a  
21 facility, at which waste is placed in or on land and which is not a  
22 land treatment facility, surface impoundment, or injection well.

23       **Sec. 2.** RCW 70.105.215 and 1986 c 210 s 3 are each amended to read  
24 as follows:

25       (1) The legislature recognizes the need for new, modified, or  
26 expanded facilities to store, treat, incinerate, or otherwise process  
27 or dispose of hazardous ~~((substances))~~ wastes safely. In order to  
28 ~~((encourage))~~ plan for the development of such facilities, the  
29 department shall adopt rules as necessary regarding the sizing and  
30 permitting of such facilities to ensure the most expeditious permit  
31 processing possible consistent with the need for such facilities and  
32 the substantive requirements of applicable law.

33       (2) If owner~~((s))~~ and operator~~((s))~~ are not the same entity, the  
34 owner and operator shall be the permit applicant, sign the permit  
35 application, and be responsible for the development of the permit  
36 application and all accompanying materials~~((, as long as the owner also~~  
37 ~~signs the application and certifies its ownership of the real property~~

1 ~~described in the application, and acknowledges its awareness of the~~  
2 ~~contents of the application and receipt of a copy thereof)).~~

3 (3) The department may issue a draft permit for a new hazardous  
4 waste incinerator or landfill only if the department determines that  
5 the proposed facility is sized no larger than is necessary to meet  
6 current and future needed capacity of the region, as determined  
7 pursuant to this subsection. The department may impose conditions on  
8 or deny a permit application based on the results of this  
9 determination.

10 (a) Once adopted, the facility-specific needs assessment shall be  
11 based on criteria defined by rule and shall include, at a minimum, the  
12 present and projected demand on incineration or disposal capacity from  
13 hazardous waste generators within the northwest region, including  
14 Alaska, Idaho, Oregon, and Washington. The assessment shall be  
15 conducted following the receipt of a notice of intent by the applicant  
16 and shall review and be based upon all appropriate hazardous waste  
17 generation and projection information available, including resources  
18 from state waste management offices and the applicant. The assessment  
19 shall also take into account any existing permitted management capacity  
20 at similar facilities within the region. The department shall render  
21 a draft needs assessment within one hundred eighty days of receipt of  
22 a notice of intent for a permit application. The draft needs  
23 assessment shall be followed by public review and administrative  
24 processing by the department.

25 (b) For any notice of intent or application for a hazardous waste  
26 incinerator or landfill which has already been submitted to the  
27 department prior to rules adoption, the department shall use its most  
28 recent state hazardous waste needs assessment as part of the needs  
29 assessment consideration. The department shall follow all other  
30 criteria and procedures required by this subsection as part of its  
31 needs determination process. The department shall render a draft needs  
32 assessment within one hundred eighty days following the effective date  
33 of this act.

34 (4) The department shall review and update the needs assessment for  
35 all operating hazardous waste incinerator and land disposal facilities  
36 in the state on a five-year cycle. If the department's updated needs  
37 assessment determines that the existing or projected need for the  
38 facility has significantly changed from the previous assessment, the  
39 department may change the facility's permitted handling capacity to

1 reflect the need for capacity identified in the updated needs  
2 assessment under the following circumstances:

3 (a) A change in the facility's permitted handling capacity may be  
4 accomplished without adversely affecting the facility's safe operation;  
5 and

6 (b) A reduction in the facility's permitted handling capacity will  
7 not make operation of the facility uneconomical.

8 (5) The department shall adopt rules as necessary to implement this  
9 section.

10 NEW SECTION. Sec. 3. A new section is added to chapter 70.105 RCW  
11 to read as follows:

12 (1) The department shall assess a reasonable service-based permit  
13 review fee upon any hazardous waste facility or applicant that requires  
14 a permit under RCW 70.105.215.

15 (2) The department by rule shall adopt a permit review fee schedule  
16 to compensate for all program costs associated with the development,  
17 review, issuance, or denial of a hazardous waste permit. The rule  
18 shall include a fee schedule development and review process that  
19 includes at least the following:

20 (a) The department shall conduct a biennial workload analysis. The  
21 department shall provide an opportunity for public review of and  
22 comment on the workload analysis. The department shall review and  
23 update the analysis during each biennial budget cycle, taking into  
24 account information gathered by tracking previous revenues, time, and  
25 expenditures and other information obtained through fiscal audits and  
26 performance audits; and

27 (b) The department shall develop a system for tracking revenues and  
28 expenditures.

29 (3) The fee for a hazardous waste permit applicant shall reflect  
30 only those costs associated with processing that applicant's permit.  
31 Program elements or activities for which service-based fees shall be  
32 assessed include:

33 (a) Direct and indirect staff salaries and expenses, and office  
34 costs;

35 (b) Permit administration costs, including preapplication  
36 assistance;

37 (c) Facility-specific needs assessments;

38 (d) Contractual support for the purpose of technical review;

1 (e) Permit approval or denial, permit issuance; and  
2 (f) Oversight of activities associated with hazardous waste  
3 permits, hazardous waste permit modifications, closure and postclosure  
4 activities, and other permit activities related to hazardous waste  
5 facilities.

6 (4) All hazardous waste permit review fees shall be deposited in  
7 the hazardous waste permit account created by section 4 of this act.  
8 The department may withhold permit processing and/or issuance for  
9 nonpayment of permit review fees.

10 (5) The department may assess and collect fees prior to adoption of  
11 the permit review fee rule only to recover direct costs associated with  
12 consultant fees applicable to a hazardous waste permit's review and  
13 processing.

14 (6) Funds for rule-making expenses and the department's resources  
15 necessary to implement this section, prior to the initial collection of  
16 fees, shall come from the state toxics control account.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.105 RCW  
18 to read as follows:

19 The hazardous waste permit account is created in the custody of the  
20 state treasurer. All receipts from hazardous waste permit review fees  
21 established by section 3 of this act shall be deposited into the  
22 account. Expenditures from the account may be used only for processing  
23 and review of hazardous waste permits. Moneys in the account may only  
24 be spent after appropriation.

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