
HOUSE BILL 1690

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Rust, Hansen, Chandler and Bray

Read first time 02/05/93. Referred to Committee on Environmental Affairs.

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 owners and operators are not the same entity, the operator
34 shall be the permit applicant and responsible for the development of
35 the permit application and all accompanying materials, as long as the
36 owner also signs the application and certifies its ownership of the
37 real property described in the application, and acknowledges its

1 awareness of the contents of the application and receipt of a copy
2 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.

37 Should the department's updated needs assessment determine that the
38 existing or projected need for the facility has significantly changed
39 from the previous assessment, the department may change the facility's

1 permitted handling capacity to reflect the need for capacity identified
2 in the updated needs assessment.

3 (5) The department shall adopt rules as necessary to implement this
4 section.

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

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

10 (2) The department shall assess a reasonable service-based permit
11 review fee to compensate for all program costs associated with the
12 development, review, issuance, or denial of a hazardous waste permit.
13 Program elements or activities for which service-based fees shall be
14 assessed include: Direct and indirect staff salaries and expenses,
15 office costs, facility-specific needs assessments, and contractual
16 support for the purposes of technical reviews, approvals or denials,
17 permit issuances and oversight of activities associated with hazardous
18 waste permits, hazardous waste permit modifications, closure and
19 postclosure activities, and other permit activities related to these
20 facilities.

21 (3) Funds collected through the imposition of such permit review
22 fees shall be deposited in the hazardous waste permit account. Funds
23 collected from each hazardous waste permit applicant shall reflect only
24 those costs associated with that permit's processing. The department
25 may withhold permit processing and/or issuance for nonpayment of permit
26 review fees.

27 (4) The department shall adopt rules as necessary to implement this
28 section. The department may assess and collect fees prior to initial
29 rule making only to recover direct costs associated with consultant
30 fees applicable to a hazardous waste permit's review and processing.

31 (5) Funds for rule-making expenses and the department's resources
32 necessary to implement this section, prior to the initial collection of
33 fees, shall come from the state toxics control account. Once the
34 permit fee rules are established, all permit-related costs shall be
35 recovered by the permit fees and deposited into the dedicated hazardous
36 waste permit account.

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

3 The hazardous waste permit account is created in the custody of the
4 state treasurer. All receipts from hazardous waste permit review fees
5 shall be deposited into the account. Expenditures from the account may
6 be used only for processing and review of hazardous waste permits.
7 Only the director of ecology or the director's designee may authorize
8 expenditures from the account. The account is subject to allotment
9 procedures under chapter 43.88 RCW, but no appropriation is required
10 for expenditures.

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