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**SUBSTITUTE HOUSE BILL 1816**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

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

Read first time 03/01/93.

1 AN ACT Relating to incinerators of hazardous wastes and hazardous  
2 substances; adding a new section to chapter 70.105 RCW; and adding a  
3 new section to chapter 43.21B RCW.

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

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

7 The department of ecology shall order the operator of a hazardous  
8 waste incinerator to immediately suspend incineration of hazardous  
9 wastes and hazardous substances, if the department of ecology, in  
10 consultation with the department of agriculture, determines that the  
11 incinerator is causing damage to land, crops, or livestock, or is  
12 otherwise endangering the public health and safety and endangering the  
13 public food supply. The department of ecology shall not approve  
14 further incineration at the facility until the department, in  
15 consultation with the department of agriculture, determines that the  
16 incinerator's emissions and discharges will not continue to contribute  
17 to the damage that resulted in the suspension. The department of  
18 ecology shall consult with the department of agriculture before

1 approving further incineration of hazardous wastes or hazardous  
2 substances at the facility.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21B RCW  
4 to read as follows:

5 (1) The operator of a hazardous waste incinerator may appeal to the  
6 board an order issued by the department of ecology pursuant to section  
7 1 of this act to suspend incineration of hazardous substances or  
8 hazardous wastes. The department's order shall not be stayed during  
9 the board's review or during subsequent judicial review.

10 (2) A person who may be affected by the operation of the facility  
11 may appeal to the board an order issued by the department allowing a  
12 hazardous waste incinerator facility to resume incineration of  
13 hazardous wastes or hazardous substances.

14 NEW SECTION. **Sec. 3.** If any provision of this act or its  
15 application to any person or circumstance is held invalid, the  
16 remainder of the act or the application of the provision to other  
17 persons or circumstances is not affected.

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