
HOUSE BILL 1816

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Chandler, Hansen, Rust, Schoesler, Rayburn and Bray

Read first time 02/10/93. Referred to Committee on Environmental Affairs.

1 AN ACT Relating to incinerators of hazardous wastes and hazardous
2 substances; adding new sections to chapter 70.105 RCW; and adding a new
3 section to chapter 15.04 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 shall include as a condition of a permit for a
8 hazardous waste disposal facility that includes an incinerator for
9 hazardous wastes or hazardous substances a requirement that the permit
10 holder provide financial and other resources to the department of
11 agriculture for the monitoring of farm and agricultural land, crops,
12 and livestock that may be affected by discharges or emissions from the
13 facility. The amount of resources required from the permit holder
14 shall be determined through citizen proponent negotiations in which the
15 department of agriculture shall participate.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 15.04 RCW
17 to read as follows:

1 The department shall monitor farm and agricultural land, crops, and
2 livestock located near a hazardous waste disposal facility that
3 includes an incinerator for hazardous wastes or hazardous substances.
4 The department shall monitor for accumulations of heavy metals and
5 other hazardous substances in farm and agricultural land, crop and
6 livestock damage, and other factors that affect food safety. If the
7 department determines from its investigation that discharges or
8 emissions from the hazardous waste disposal facility are causing
9 accumulations of heavy metals or other hazardous substances in the farm
10 or agricultural land, other damage to the land, crops, or livestock, or
11 is otherwise endangering the public health and safety and endangering
12 the public food supply, it shall immediately notify the department of
13 ecology and the facility operator of the determination.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.105 RCW
15 to read as follows:

16 If, pursuant to section 2 of this act, the department of
17 agriculture notifies the department that a hazardous waste disposal
18 facility is causing damage to land, crops, or livestock, or is
19 otherwise endangering the public health and safety and endangering the
20 public food supply, the department shall order the facility to
21 immediately suspend incineration of hazardous wastes and hazardous
22 substances. The department shall not approve further incineration at
23 the facility until the department determines that the facility's
24 emissions and discharges will not cause the damage that resulted in the
25 suspension. The department shall consult with the department of
26 agriculture before approving further incineration of hazardous wastes
27 or hazardous substances at the facility.

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

30 A facility operator may appeal to the pollution control hearings
31 board an order issued by the department pursuant to section 3 of this
32 act to suspend incineration of hazardous substances or hazardous
33 wastes. The department's order shall not be stayed during the
34 pollution control hearings board review or during subsequent judicial
35 review. A person who may be affected by the operation of the facility
36 may appeal an order issued by the department allowing a facility to
37 resume incineration of hazardous wastes or hazardous substances.

1 NEW SECTION. **Sec. 5.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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