

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1047

Chapter 286, Laws of 1993

53rd Legislature
1993 Regular Session

OUT-OF-STATE SOLID WASTE IMPORTATION--REGULATION AND FEES

EFFECTIVE DATE: 5/12/93

Passed by the House April 20, 1993
Yeas 97 Nays 0

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Passed by the Senate April 16, 1993
Yeas 38 Nays 0

JOEL PRITCHARD
President of the Senate

Approved May 12, 1993

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1047** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 12, 1993 - 10:11 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1047

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Valle, Long, Springer, Brough, Forner, Miller, Edmondson, Lemmon, Tate, Chandler, Wood, Roland and J. Kohl)

Read first time 02/1/93.

1 AN ACT Relating to solid waste received from outside the state;
2 adding new sections to chapter 70.95 RCW; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.95 RCW
5 to read as follows:

6 The legislature finds that:

7 (1) The state of Washington has responded to the increasing
8 challenges of safe, affordable disposal of solid waste by an ambitious
9 program of waste reduction, recycling and reuse, as well as strict
10 standards to ensure the safe handling, transportation, and disposal of
11 solid waste;

12 (2) All communities in Washington participate in these programs
13 through locally available recycling services, increased source
14 separation and material recovery requirements, programs for waste
15 reduction and product reuse, and performance standards that apply to
16 all solid waste disposal facilities in the state;

17 (3) New requirements for the siting and performance of disposal
18 facilities have greatly decreased the number of such facilities in

1 Washington, and the state has a significant interest in ensuring
2 adequate disposal capacity within the state;

3 (4) The landfilling, incineration, and other disposal of solid
4 waste may adversely impact public health and environmental quality, and
5 the state has a significant interest in decreasing volumes of the waste
6 stream destined for disposal;

7 (5) Because of the decreasing number of disposal facilities and
8 other reasons, solid waste is being transported greater distances,
9 often beyond the community where generated and is increasingly being
10 transported between states;

11 (6) Washington's waste management priorities and programs are a
12 balanced approach of increased reuse, recycling and waste reduction,
13 the strengthening of markets for recycled content products, and the
14 safe disposal of the remaining waste stream, with the costs of these
15 programs shared equitably by all persons generating waste in the state;

16 (7) Those residing in other states who generate waste destined for
17 disposal within Washington should also share the costs of waste
18 diversion and management of Washington's disposal facilities, so that
19 the risks of waste disposal and the costs of mitigating those risks are
20 shared equitably by all waste generators, regardless of their location;

21 (8) Because Washington state may not directly regulate waste
22 handling, reduction, and recycling activities beyond its state
23 boundaries, the only reasonable alternative to ensure this equitable
24 treatment of waste being disposed within Washington is to implement a
25 program of reviewing such activities as to waste originating outside of
26 Washington, and to assign the additional costs, when necessary, to
27 ensure that the waste meets standards substantially equivalent to those
28 applicable to waste generated within the state, and, in some cases, to
29 prohibit disposal of waste where its generation and management is not
30 subject to standards substantially equivalent to those applicable to
31 waste generated within the state.

32 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.95 RCW
33 to read as follows:

34 (1) At least sixty days prior to receiving solid waste generated
35 from outside of the state, the operator of a solid waste disposal site
36 facility shall report to the department the types and quantities of
37 waste to be received from an out-of-state source. The department shall
38 develop guidelines for reporting this information. The guidelines

1 shall provide for less than sixty days notice for shipments of waste
2 made on a short-term or emergency basis. The requirements of this
3 subsection shall take effect upon completion of the guidelines.

4 (2) Upon notice under subsection (1) of this section, the
5 department shall identify all activities and costs necessary to ensure
6 that solid waste generated out-of-state meets standards relating to
7 solid waste reduction, recycling, and management substantially
8 equivalent to those required of solid waste generated within the state.
9 The department may assess a fee on the out-of-state waste sufficient to
10 recover the actual costs incurred in ensuring that the out-of-state
11 waste meets equivalent state standards. The department may delegate,
12 to a local health department, authority to implement the activities
13 identified by the department under this subsection. All money received
14 from fees imposed under this subsection shall be deposited into the
15 solid waste management account created by RCW 70.95.800, and shall be
16 used solely for the activities required by this section.

17 (3) The department may prohibit in-state disposal of solid waste
18 generated from outside of the state, unless the generators of the waste
19 meet: (a) Waste reduction and recycling requirements substantially
20 equivalent to those applicable in Washington state; and (b) solid waste
21 handling standards substantially equivalent to those applicable in
22 Washington state.

23 (4) The department may adopt rules to implement this section.

24 NEW SECTION. **Sec. 3.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

28 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of the
30 state government and its existing public institutions, and shall take
31 effect immediately.

Passed the House April 20, 1993.

Passed the Senate April 16, 1993.

Approved by the Governor May 12, 1993.

Filed in Office of Secretary of State May 12, 1993.