

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2670**

Chapter 114, Laws of 2000

(partial veto)

56th Legislature  
2000 Regular Session

LANDFILL DISPOSAL FACILITIES

EFFECTIVE DATE: 6/8/00

Passed by the House March 7, 2000  
Yeas 98 Nays 0

CLYDE BALLARD  
**Speaker of the House of Representatives**

FRANK CHOPP  
**Speaker of the House of Representatives**

Passed by the Senate March 3, 2000  
Yeas 47 Nays 0

BRAD OWEN  
**President of the Senate**

Approved March 24, 2000, with the  
exception of section 2, which is  
vetoed.

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2670** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER  
**Chief Clerk**

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

March 24, 2000 - 3:05 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2670**

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AS AMENDED BY THE SENATE

Passed Legislature - 2000 Regular Session

**State of Washington                      56th Legislature                      2000 Regular Session**

**By** House Committee on Agriculture & Ecology (originally sponsored by Representatives Delvin, Linville, G. Chandler and Hankins)

Read first time 02/01/2000. Referred to Committee on .

1            AN ACT Relating to financial assurance requirements for landfill  
2 disposal facilities; amending RCW 70.95.215; and creating a new  
3 section.

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

5            **Sec. 1.** RCW 70.95.215 and 1985 c 436 s 1 are each amended to read  
6 as follows:

7            (1) By July 1, 1987, each holder or applicant of a permit for a  
8 landfill disposal facility issued under this chapter shall establish a  
9 reserve account to cover the costs of closing the facility in  
10 accordance with state and federal regulations. The account shall be  
11 designed to ensure that there will be adequate revenue available by the  
12 projected date of closure. A landfill disposal ((facilities)) facility  
13 maintained on private property for the sole use of the entity owning  
14 the site and a landfill disposal facility operated and maintained by a  
15 government shall not be required to establish a reserve account if, to  
16 the satisfaction of the department, ((they)) the entity or government  
17 provides another form of financial assurance adequate to comply with  
18 the requirements of this section.

1 (2) By July 1, 1986, the department shall adopt rules under chapter  
2 34.05 RCW to implement subsection (1) of this section. The department  
3 is not required to adopt rules pertaining to other approved forms of  
4 financial assurance to cover the costs of closing a landfill disposal  
5 facility. The rules shall include but not be limited to:

6 (a) Methods to estimate closure costs, including postclosure  
7 monitoring, pollution prevention measures, and any other procedures  
8 required under state and federal regulations;

9 (b) Methods to ensure that reserve accounts receive adequate funds,  
10 including:

11 (i) Requirements that the reserve account be generated by user  
12 fees. However, the department may waive this requirement for existing  
13 landfills if user fees would be prohibitively high;

14 (ii) Requirements that moneys be placed in the reserve account on  
15 a regular basis and that the reserve account be kept separate from all  
16 other accounts; and

17 (iii) Procedures for the department to verify that adequate sums  
18 are deposited in the reserve account; and

19 (c) Methods to ensure that other types of financial assurance  
20 provided in accordance with subsection (1) of this section are adequate  
21 to cover the costs of closing the facility.

22 ***\*NEW SECTION. Sec. 2. (1) The state solid waste advisory committee***  
23 ***shall direct a study by the department of ecology on the adequacy of***  
24 ***financing to assure landfill closure. The study shall include, but is***  
25 ***not limited to:***

26 (a) ***A clear description of the financial assurance mechanisms***  
27 ***authorized by law;***

28 (b) ***A summary of current financial assurances for landfill closure***  
29 ***currently in place for all landfills in the state. The department***  
30 ***shall compile this information from existing sources such as capital***  
31 ***facilities plans authorized under the growth management act, local***  
32 ***government solid waste management plans and budgets, and financial***  
33 ***audits by the state auditor. The summary shall include, but shall not***  
34 ***be limited to:***

35 (i) ***The estimated cost to close the landfill facility and the years***  
36 ***to closure;***

37 (ii) ***The financial mechanisms approved by the jurisdictional health***  
38 ***department or the department to assure landfill closure; and***

1       (iii) *The status of financial mechanisms, including account*  
2 *balance, loans against, or encumbrances on the financial mechanisms;*  
3 *and*

4       (c) *The effect of various financial assurance mechanisms on*  
5 *consumers' rates.*

6       (2) *The report shall include recommendations for modifying*  
7 *requirements for financing mechanisms to assure landfill closure and*  
8 *maintaining and reporting information on the status of financial*  
9 *assurances. The solid waste advisory committee shall provide the*  
10 *report to the legislature by December 15, 2000.*

11 \*Sec. 2 was vetoed. See message at end of chapter.

Passed the House March 7, 2000.

Passed the Senate March 3, 2000.

Approved by the Governor March 24, 2000, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State March 24, 2000.

1       Note: Governor's explanation of partial veto is as follows:

2       "I am returning herewith, without my approval as to section 2,  
3 Substitute House Bill No. 2670 entitled:

4       "AN ACT Relating to financial assurance requirements for landfill  
5 disposal facilities;"

6       This bill provides government with needed flexibility in allowing  
7 alternative forms of financial assurance that landfill closure  
8 requirements can be met. Section 2 of the bill would have required the  
9 Solid Waste Advisory Committee (SWAC) to direct a study by the  
10 Department of Ecology (DOE) on the adequacy of financing to ensure  
11 landfill closure, and to report its findings to the Legislature by  
12 December 15, 2000.

13       Having the necessary financial resources secured for post-closure  
14 landfill costs is essential for adequate public health and  
15 environmental protection and to ensure the general public is not  
16 required to pay cleanup or closure costs. However, the bill raises a  
17 concern by having SWAC direct DOE in the study. SWAC includes several  
18 members with a financial stake in the outcome of the study. To avoid  
19 any appearance of fairness issues, yet make certain that this important  
20 analysis is completed, I have vetoed section 2 and direct DOE to  
21 complete the study in consultation with the Utilities and  
22 Transportation Commission and SWAC. DOE will inform the relevant  
23 standing committees of the Legislature of its progress, shall address  
24 all the issues outlined in SHB 2670, and shall submit a report to the  
25 Legislature by December 15, 2000.

26       For these reasons, I have vetoed section 2 of Substitute House Bill  
27 No. 2670.

28       With the exception of section 2, Substitute House Bill No. 2670 is  
29 approved."