
SENATE BILL 5594

State of Washington

58th Legislature

2003 Regular Session

By Senators Morton, Fraser, Regala, Hewitt and Rasmussen; by request of Department of Ecology

Read first time 01/31/2003. Referred to Committee on Natural Resources, Energy & Water.

1 AN ACT Relating to hazardous waste; and adding a new section to
2 chapter 70.105 RCW.

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

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

6 (1) The legislature finds that:

7 (a) Substantial volumes of hazardous wastes, including used oil,
8 are being accumulated and managed at facilities located throughout
9 Washington without adequate financial reserves to pay for the safe and
10 orderly removal of materials and cleanup of environmental contamination
11 when these facilities close. Hazardous waste management facilities
12 have been abandoned, shut down, or gone bankrupt in Washington, leaving
13 taxpayers, property owners, or former customers with millions of
14 dollars in cleanup costs and significant environmental impacts;

15 (b) Even at those hazardous waste treatment, storage, and disposal
16 facilities that are currently required to have financial assurance,
17 funds are often insufficient to pay for the costs incurred. Rules
18 addressing financial assurance are inadequate or out of date;

1 (c) Environmental impacts and economic liability from recycling and
2 used oil processing facilities are not adequately addressed under the
3 current rules of the department. Such facilities are not currently
4 required to have financial assurance and changes in facility
5 operations, ownership, or waste management processes may occur without
6 notification or authorization by the department; and

7 (d) Resource levels are inadequate for managing current demands on
8 the department's permitting and compliance programs at hazardous waste
9 facilities.

10 (2) The legislature declares that the management, regulation, and
11 oversight of wastes at hazardous waste management facilities, including
12 recyclers and used oil processors, is essential to prevent adverse
13 effects on the environment and the economy and to protect public health
14 and safety. Toward that end, the legislature determines that the
15 department, in consultation with representatives of the waste
16 management industry, business, local government, environmental groups,
17 and other interested parties, shall take the following actions:

18 (a) By July 1, 2004, adopt amended rules, chapter 173-303 WAC,
19 governing the financial assurance, pollution liability, and closure
20 plans at facilities, including recyclers and used oil processors, to
21 assure that adequate funds will be available to pay for safe and
22 orderly cleanup and/or closure at those facilities. Owners and
23 operators of recycling and used oil processing facilities shall,
24 pursuant to these amended rules, have financial assurance and pollution
25 liability insurance for the closure of their facilities by no later
26 than December 31, 2005;

27 (b) By July 1, 2004, adopt a rule to establish a system for
28 authorizing recycling and used oil processing operations that are not
29 currently subject to hazardous waste permits. In establishing this
30 authorization system, the department shall, to the maximum extent
31 practicable, minimize paperwork and administrative procedures for
32 facility owners and operators; and

33 (c) By September 30, 2003, submit recommendations to the
34 legislature for the 2004 legislative session, addressing a fee-based
35 system to provide adequate funding for the department's permitting,
36 compliance, and assistance programs for hazardous waste facilities,
37 including recyclers and used oil processors. Subsequent to adoption of

1 the funding mechanism by the legislature, the department shall adopt
2 rules to implement this funding mechanism.

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