

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2308

Chapter 101, Laws of 2004

58th Legislature
2004 Regular Session

INERT WASTE LANDFILLS

EFFECTIVE DATE: 6/10/04

Passed by the House February 17, 2004
Yeas 80 Nays 16

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 5, 2004
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved March 24, 2004.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2308** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 24, 2004 - 2:16 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2308

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Schoesler and Cox)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to requiring the department of ecology to develop
2 specific criteria for the types of solid wastes that are allowed to be
3 received by inert waste landfills; amending RCW 70.95.030; and adding
4 a new section to chapter 70.95 RCW.

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

6 **Sec. 1.** RCW 70.95.030 and 2002 c 299 s 4 are each amended to read
7 as follows:

8 As used in this chapter, unless the context indicates otherwise:

- 9 (1) "City" means every incorporated city and town.
10 (2) "Commission" means the utilities and transportation commission.
11 (3) "Committee" means the state solid waste advisory committee.
12 (4) "Composted material" means organic solid waste that has been
13 subjected to controlled aerobic degradation at a solid waste facility
14 in compliance with the requirements of this chapter. Natural decay of
15 organic solid waste under uncontrolled conditions does not result in
16 composted material.
17 (5) "Department" means the department of ecology.
18 (6) "Director" means the director of the department of ecology.

1 (7) "Disposal site" means the location where any final treatment,
2 utilization, processing, or deposit of solid waste occurs.

3 (8) "Energy recovery" means a process operating under federal and
4 state environmental laws and regulations for converting solid waste
5 into usable energy and for reducing the volume of solid waste.

6 (9) "Functional standards" means criteria for solid waste handling
7 expressed in terms of expected performance or solid waste handling
8 functions.

9 (10) "Incineration" means a process of reducing the volume of solid
10 waste operating under federal and state environmental laws and
11 regulations by use of an enclosed device using controlled flame
12 combustion.

13 (11) "Inert waste landfill" means a landfill that receives only
14 inert waste, as determined under section 2 of this act, and includes
15 facilities that use inert wastes as a component of fill.

16 (12) "Jurisdictional health department" means city, county, city-
17 county, or district public health department.

18 ((+12+)) (13) "Landfill" means a disposal facility or part of a
19 facility at which solid waste is placed in or on land and which is not
20 a land treatment facility.

21 ((+13+)) (14) "Local government" means a city, town, or county.

22 ((+14+)) (15) "Modify" means to substantially change the design or
23 operational plans including, but not limited to, removal of a design
24 element previously set forth in a permit application or the addition of
25 a disposal or processing activity that is not approved in the permit.

26 ((+15+)) (16) "Multiple family residence" means any structure
27 housing two or more dwelling units.

28 ((+16+)) (17) "Person" means individual, firm, association,
29 copartnership, political subdivision, government agency, municipality,
30 industry, public or private corporation, or any other entity
31 whatsoever.

32 ((+17+)) (18) "Recyclable materials" means those solid wastes that
33 are separated for recycling or reuse, such as papers, metals, and
34 glass, that are identified as recyclable material pursuant to a local
35 comprehensive solid waste plan. Prior to the adoption of the local
36 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
37 local governments may identify recyclable materials by ordinance from
38 July 23, 1989.

1 ~~((18))~~ (19) "Recycling" means transforming or remanufacturing
2 waste materials into usable or marketable materials for use other than
3 landfill disposal or incineration.

4 ~~((19))~~ (20) "Residence" means the regular dwelling place of an
5 individual or individuals.

6 ~~((20))~~ (21) "Sewage sludge" means a semisolid substance
7 consisting of settled sewage solids combined with varying amounts of
8 water and dissolved materials, generated from a wastewater treatment
9 system, that does not meet the requirements of chapter 70.95J RCW.

10 ~~((21))~~ (22) "Soil amendment" means any substance that is intended
11 to improve the physical characteristics of the soil, except composted
12 material, commercial fertilizers, agricultural liming agents,
13 unmanipulated animal manures, unmanipulated vegetable manures, food
14 wastes, food processing wastes, and materials exempted by rule of the
15 department, such as biosolids as defined in chapter 70.95J RCW and
16 wastewater as regulated in chapter 90.48 RCW.

17 ~~((22))~~ (23) "Solid waste" or "wastes" means all putrescible and
18 nonputrescible solid and semisolid wastes including, but not limited
19 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
20 demolition and construction wastes, abandoned vehicles or parts
21 thereof, and recyclable materials.

22 ~~((23))~~ (24) "Solid waste handling" means the management, storage,
23 collection, transportation, treatment, utilization, processing, and
24 final disposal of solid wastes, including the recovery and recycling of
25 materials from solid wastes, the recovery of energy resources from
26 solid wastes or the conversion of the energy in solid wastes to more
27 useful forms or combinations thereof.

28 ~~((24))~~ (25) "Source separation" means the separation of different
29 kinds of solid waste at the place where the waste originates.

30 ~~((25))~~ (26) "Vehicle" includes every device physically capable of
31 being moved upon a public or private highway, road, street, or
32 watercourse and in, upon, or by which any person or property is or may
33 be transported or drawn upon a public or private highway, road, street,
34 or watercourse, except devices moved by human or animal power or used
35 exclusively upon stationary rails or tracks.

36 ~~((26))~~ (27) "Waste-derived soil amendment" means any soil
37 amendment as defined in this chapter that is derived from solid waste

1 as defined in RCW 70.95.030, but does not include biosolids or
2 biosolids products regulated under chapter 70.95J RCW or wastewaters
3 regulated under chapter 90.48 RCW.

4 ~~((+27))~~ (28) "Waste reduction" means reducing the amount or
5 toxicity of waste generated or reusing materials.

6 ~~((+28))~~ (29) "Yard debris" means plant material commonly created
7 in the course of maintaining yards and gardens, and through
8 horticulture, gardening, landscaping, or similar activities. Yard
9 debris includes but is not limited to grass clippings, leaves,
10 branches, brush, weeds, flowers, roots, windfall fruit, vegetable
11 garden debris, holiday trees, and tree prunings four inches or less in
12 diameter.

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

15 (1) The department shall, as part of the minimum functional
16 standards for solid waste handling required under RCW 70.95.060,
17 develop specific criteria for the types of solid wastes that are
18 allowed to be received by inert waste landfills that seek to continue
19 operation after February 10, 2003.

20 (2) The criteria for inert waste developed under this section must,
21 at a minimum, contain a list of substances that an inert waste landfill
22 located in a county with fewer than forty-five thousand residents is
23 permitted to receive if it was operational before February 10, 2003,
24 and is located at a site with a five-year annual rainfall of twenty-
25 five inches or less. The substances permitted for the inert waste
26 landfills satisfying the criteria listed in this subsection must
27 include the following types of solid waste if the waste has not been
28 tainted, through exposure from chemical, physical, biological, or
29 radiological substances, such that it presents a threat to human health
30 or the environment greater than that inherent to the material:

- 31 (a) Cured concrete, including any embedded steel reinforcing and
32 wood;
- 33 (b) Asphaltic materials, including road construction asphalt;
- 34 (c) Brick and masonry;
- 35 (d) Ceramic materials produced from fired clay or porcelain;
- 36 (e) Glass;
- 37 (f) Stainless steel and aluminum; and

1 (g) Other materials as defined in chapter 173-350 WAC.

2 (3) The department shall work with the owner or operators of
3 landfills that do not meet the minimum functional standards for inert
4 waste landfills to explore and implement appropriate means of
5 transition into a limited purpose landfill that is able to accept
6 additional materials as specified in WAC 173-350-400.

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Approved by the Governor March 24, 2004.

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