

2SHB 1154 - H AMD 118

By Representative Dye

NOT ADOPTED 03/05/2025

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 70A.205.015 and 2022 c 180 s 105 are each reenacted  
4 and amended to read as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

7 (1) "City" means every incorporated city and town.

8 (2) "Commission" means the utilities and transportation  
9 commission.

10 (3) "Composted material" means organic solid waste that has been  
11 subjected to controlled aerobic degradation at a solid waste facility  
12 in compliance with the requirements of this chapter. Natural decay of  
13 organic solid waste under uncontrolled conditions does not result in  
14 composted material.

15 (4) "Department" means the department of ecology.

16 (5) "Director" means the director of the department of ecology.

17 (6) "Disposal site" means the location where any final treatment,  
18 utilization, processing, or deposit of solid waste occurs.

19 (7) "Energy recovery" means a process operating under federal and  
20 state environmental laws and regulations for converting solid waste  
21 into usable energy and for reducing the volume of solid waste.

22 (8) "Functional standards" means criteria for solid waste  
23 handling expressed in terms of expected performance or solid waste  
24 handling functions.

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

29 (10) "Inert waste landfill" means a landfill that receives only  
30 inert waste, as determined under RCW 70A.205.030, and includes  
31 facilities that use inert wastes as a component of fill.

1 (11) "Jurisdictional health department" means city, county, city-  
2 county, or district public health department.

3 (12) "Landfill" means a disposal facility or part of a facility  
4 at which solid waste is placed in or on land and which is not a land  
5 treatment facility.

6 (13) "Limited purpose landfill" has the same meaning as provided  
7 in WAC 173-350-100 as it existed as of January 1, 2025.

8 (14) "Local government" means a city, town, or county.

9 ~~((14))~~ (15) "Modify" means to substantially change the design  
10 or operational plans including, but not limited to, removal of a  
11 design element previously set forth in a permit application or the  
12 addition of a disposal or processing activity that is not approved in  
13 the permit.

14 ~~((15))~~ (16) "Multiple-family residence" means any structure  
15 housing two or more dwelling units.

16 ~~((16))~~ (17)(a)(i) "Organic materials" means any solid waste  
17 that is a biological substance of plant or animal origin capable of  
18 microbial degradation.

19 (ii) Organic materials include, but are not limited to, manure,  
20 yard debris, food waste, food processing waste, wood waste, and  
21 garden waste.

22 (b) "Organic materials" does not include any materials  
23 contaminated by herbicides, pesticides, pests, or other sources of  
24 chemical or biological contamination that would render a finished  
25 product of an organic material management process unsuitable for  
26 general public or agricultural use.

27 ~~((17))~~ (18) "Organic materials management" means management of  
28 organic materials through composting, anaerobic digestion,  
29 vermiculture, black soldier fly, or similar technologies.

30 ~~((18))~~ (19) "Person" means individual, firm, association,  
31 copartnership, political subdivision, government agency,  
32 municipality, industry, public or private corporation, or any other  
33 entity whatsoever.

34 ~~((19))~~ (20) "Recyclable materials" means those solid wastes  
35 that are separated for recycling or reuse, such as papers, metals,  
36 and glass, that are identified as recyclable material pursuant to a  
37 local comprehensive solid waste plan. Prior to the adoption of the  
38 local comprehensive solid waste plan, adopted pursuant to RCW  
39 70A.205.075(2), local governments may identify recyclable materials  
40 by ordinance from July 23, 1989.

1       ~~((20))~~ (21) "Recycling" means transforming or remanufacturing  
2 waste materials into usable or marketable materials for use other  
3 than landfill disposal or incineration.

4       ~~((21))~~ (22) "Residence" means the regular dwelling place of an  
5 individual or individuals.

6       ~~((22))~~ (23) "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 70A.226 RCW.

10       ~~((23))~~ (24) "Soil amendment" means any substance that is  
11 intended to improve the physical characteristics of the soil, except  
12 composted material, commercial fertilizers, agricultural liming  
13 agents, unmanipulated animal manures, unmanipulated vegetable  
14 manures, food wastes, food processing wastes, and materials exempted  
15 by rule of the department, such as biosolids as defined in chapter  
16 70A.226 RCW and wastewater as regulated in chapter 90.48 RCW.

17       ~~((24))~~ (25) "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       ~~((25))~~ (26) "Solid waste handling" means the management,  
23 storage, collection, transportation, treatment, utilization,  
24 processing, and final disposal of solid wastes, including the  
25 recovery and recycling of materials from solid wastes, the recovery  
26 of energy resources from solid wastes or the conversion of the energy  
27 in solid wastes to more useful forms or combinations thereof.

28       ~~((26))~~ (27) "Source separation" means the separation of  
29 different kinds of solid waste at the place where the waste  
30 originates.

31       ~~((27))~~ (28) "Vehicle" includes every device physically capable  
32 of being moved upon a public or private highway, road, street, or  
33 watercourse and in, upon, or by which any person or property is or  
34 may be transported or drawn upon a public or private highway, road,  
35 street, or watercourse, except devices moved by human or animal power  
36 or used exclusively upon stationary rails or tracks.

37       ~~((28))~~ (29) "Waste-derived soil amendment" means any soil  
38 amendment as defined in this chapter that is derived from solid waste  
39 as defined in this section, but does not include biosolids or

1 biosolids products regulated under chapter 70A.226 RCW or wastewaters  
2 regulated under chapter 90.48 RCW.

3 ~~((29))~~ (30) "Waste reduction" means reducing the amount or  
4 toxicity of waste generated or reusing materials.

5 ~~((30))~~ (31) "Yard debris" means plant material commonly created  
6 in the course of maintaining yards and gardens, and through  
7 horticulture, gardening, landscaping, or similar activities. Yard  
8 debris includes but is not limited to grass clippings, leaves,  
9 branches, brush, weeds, flowers, roots, windfall fruit, vegetable  
10 garden debris, holiday trees, and tree prunings four inches or less  
11 in diameter.

12 **Sec. 2.** RCW 70A.205.125 and 2016 c 119 s 4 are each amended to  
13 read as follows:

14 (1) Applications for permits to operate a new or modified solid  
15 waste handling facility shall be on forms prescribed by the  
16 department and shall contain a description of the proposed facilities  
17 and operations at the site, plans and specifications for any new or  
18 additional facilities to be constructed, and such other information  
19 as the jurisdictional health department may deem necessary in order  
20 to determine whether the site and solid waste disposal facilities  
21 located thereon will comply with local regulations and state rules.

22 (2) Upon receipt of an application for a permit to establish or  
23 modify a solid waste handling facility, the jurisdictional health  
24 department shall refer one copy of the application to the department  
25 which shall report its findings to the jurisdictional health  
26 department. When the application is for a permit to establish or  
27 modify a solid waste handling facility located in an area that is not  
28 under a quarantine, as defined in RCW 17.24.007, and when the  
29 facility will receive material for composting from an area under a  
30 quarantine, the jurisdictional health department shall also provide a  
31 copy of the application to the department of agriculture. The  
32 department of agriculture shall review the application to determine  
33 whether it contains information demonstrating that the proposed  
34 facility presents a risk of spreading disease, plant pathogens, or  
35 pests to areas that are not under a quarantine. For the purposes of  
36 this subsection, "composting" means the biological degradation and  
37 transformation of organic solid waste under controlled conditions  
38 designed to promote aerobic decomposition.

1 (3) The jurisdictional health department shall investigate every  
2 application as may be necessary to determine whether a proposed or  
3 modified site and facilities meet all solid waste, air, and other  
4 applicable laws and regulations, and conforms with the approved  
5 comprehensive solid waste handling plan, and complies with all zoning  
6 requirements.

7 (4) When the jurisdictional health department finds that the  
8 permit should be issued, ~~((it))~~ and the department has approved the  
9 permit under RCW 70A.205.130(4), the jurisdictional health department  
10 shall issue such permit. Every application shall be approved or  
11 disapproved within ~~((ninety))~~ 90 days after its receipt by the  
12 jurisdictional health department.

13 (5) The jurisdictional board of health may establish reasonable  
14 fees for permits and renewal of permits. All permit fees collected by  
15 the health department shall be deposited in the treasury and to the  
16 account from which the health department's operating expenses are  
17 paid.

18 **Sec. 3.** RCW 70A.205.130 and 2020 c 20 s 1173 are each amended to  
19 read as follows:

20 ~~((Every))~~ (1) Except as provided in subsection (4) of this  
21 section, every permit issued by a jurisdictional health department  
22 under RCW 70A.205.125 shall be reviewed by the department to ensure  
23 that the proposed site or facility conforms with:

24 ~~((1))~~ (a) All applicable laws and regulations including the  
25 ~~((minimal))~~ minimum functional standards for solid waste handling;  
26 and

27 ~~((2))~~ (b) The approved comprehensive solid waste management  
28 plan.

29 (2) The department shall review the permit within ~~((thirty))~~ 30  
30 days after the issuance of the permit by the jurisdictional health  
31 department. ~~((The))~~ For solid waste handling facilities other than  
32 limited purpose landfills, the department may appeal the issuance of  
33 the permit by the jurisdictional health department to the pollution  
34 control hearings board, as described in chapter 43.21B RCW, for  
35 noncompliance with subsection (1) ~~((or—(2))~~ (a) or (b) of this  
36 section.

37 (3) No permit issued pursuant to RCW 70A.205.125 after June 7,  
38 1984, shall be considered valid unless it has been reviewed by the  
39 department.

1 (4) (a) Every permit issued by a jurisdictional health department  
2 under RCW 70A.205.125 for a limited purpose landfill must be reviewed  
3 and approved by the department to ensure that the proposed landfill  
4 conforms with:

5 (i) All applicable laws and regulations including the minimum  
6 functional standards for solid waste handling; and

7 (ii) The approved comprehensive solid waste management plan.

8 (b) The department shall review the permit prior to the issuance  
9 of the permit by the jurisdictional health department. The department  
10 may only approve a permit that ensures that the limited purpose  
11 landfill conforms with all applicable laws and regulations, including  
12 the minimum functional standards for solid waste handling. The  
13 department may require a jurisdictional health department to amend  
14 the contents of a proposed permit to ensure conformance with  
15 applicable laws and regulations, including the minimum functional  
16 standards for solid waste handling.

17 (c) A jurisdictional health department or applicant may appeal  
18 the department's denial or amendment of a limited purpose landfill  
19 permit under this section, including the denial of the renewal of a  
20 permit, to the pollution control hearings board.

21 (d) No permit issued under this subsection after August 1, 2027,  
22 is considered valid unless it has been approved by the department.

23 **Sec. 4.** RCW 70A.205.135 and 2020 c 20 s 1174 are each amended to  
24 read as follows:

25 (1) Every permit for an existing solid waste handling facility  
26 issued pursuant to RCW 70A.205.125 shall be renewed at least every  
27 five years on a date established by the jurisdictional health  
28 department having jurisdiction of the site and as specified in the  
29 permit. If a permit is to be renewed for longer than one year, the  
30 local jurisdictional health department may hold a public hearing  
31 before making such a decision. Prior to renewing a permit, the health  
32 department shall conduct a review as it deems necessary to assure  
33 that the solid waste handling facility or facilities located on the  
34 site continues to meet minimum functional standards of the  
35 department, applicable local regulations, and are not in conflict  
36 with the approved solid waste management plan. A jurisdictional  
37 health department shall approve or disapprove a permit renewal within  
38 ~~((forty-five))~~ 45 days of conducting its review. The department shall  
39 review and may appeal the renewal of permits for solid waste handling

1 facilities other than limited purpose landfills as set forth for the  
2 approval of permits in RCW 70A.205.130(2). The department must review  
3 and approve or disapprove renewal of permits for limited purpose  
4 landfills as set forth in RCW 70A.205.130(4).

5 (2) The jurisdictional board of health may establish reasonable  
6 fees for permits reviewed under this section. All permit fees  
7 collected by the health department shall be deposited in the treasury  
8 and to the account from which the health department's operating  
9 expenses are paid.

10 **Sec. 5.** RCW 70A.205.140 and 2016 c 119 s 5 are each amended to  
11 read as follows:

12 (1) Any permit for a solid waste disposal site issued as provided  
13 herein shall be subject to suspension at any time the jurisdictional  
14 health department determines that the site or the solid waste  
15 disposal facilities located on the site are being operated in  
16 violation of this chapter, the regulations of the department, the  
17 rules of the department of agriculture, or local laws and  
18 regulations.

19 (2) Any permit for a limited purpose landfill issued as provided  
20 herein shall be subject to suspension at any time the department  
21 determines that the site or the limited purpose landfill located on  
22 the site are being operated in violation of this chapter, the  
23 regulations of the department, the rules of the department of  
24 agriculture, or local laws and regulations.

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 70A.205  
26 RCW to read as follows:

27 (1) In addition to the provisions of RCW 70A.205.140, a  
28 jurisdictional health department or the department may:

29 (a) Impose a civil penalty not to exceed \$5,000 per day for the  
30 first 14 days of operation. If the violation is not resolved within  
31 14 days, the agency imposing the penalty may increase the penalty not  
32 to exceed \$10,000 per day of operation of a limited purpose landfill  
33 in violation of the requirements of this chapter or a permit issued  
34 under this chapter; and

35 (b) Issue an order requiring compliance by a limited purpose  
36 landfill in violation of the requirements of this chapter or a permit  
37 issued under this chapter. A person who fails to take corrective  
38 action as specified in a compliance order is liable for a civil

1 penalty as provided in (a) of this subsection. Before issuing a civil  
2 penalty, a jurisdictional health department will attempt to reach  
3 compliance with the landfill operator through education and outreach.

4 (2) (a) A jurisdictional health department may send written notice  
5 to the department that it is deferring to the department's authority  
6 under this section to enforce the requirements of this chapter with  
7 respect to a limited purpose landfill in a jurisdiction.

8 (b) The department may exercise the department's authority under  
9 this section to take enforcement action in the absence of a deferral  
10 by the jurisdictional health department if, in the department's  
11 judgment, the jurisdictional health department's enforcement response  
12 fails to adequately address violations of this chapter by a limited  
13 purpose landfill operator. When the department begins enforcement  
14 activities, the department must notify the jurisdictional health  
15 department with a letter of intent that includes:

16 (i) The start and any end date of the department's enforcement  
17 activities; and

18 (ii) The geographical boundaries of limited purpose landfills at  
19 which the enforcement activities are planned.

20 (c) If a limited purpose landfill owner or operator pays a  
21 penalty under this section for a violation to a government entity,  
22 any penalty imposed by a different government entity for a violation  
23 based on the same incident and conduct shall be reduced by the amount  
24 of the prior penalty.

25 (d) Upon receipt of an order by the jurisdictional health  
26 department or department, a limited purpose landfill owner or  
27 operator must provide information necessary to determine compliance  
28 with the requirements of this chapter applicable to limited purpose  
29 landfills.

30 (e) An applicant or permittee must allow the jurisdictional  
31 health department and department to conduct inspections and collect  
32 samples.

33 (3) (a) Penalties levied by a jurisdictional health department  
34 shall be deposited in the treasury and to the account from which such  
35 jurisdictional health department's operating expenses are paid.

36 (b) Penalties levied by the department under this section must be  
37 deposited in the model toxics control operating account created in  
38 RCW 70A.305.180.

39 (4) A person who is issued an order or incurs a penalty from:



1 (a) A jurisdictional health department may appeal the order or  
2 penalty to the local health officer;

3 (b) The department under this section may appeal the order or  
4 penalty to the pollution control hearings board established by  
5 chapter 43.21B RCW.

6 (5) This section does not apply to actions taken by the  
7 department under chapter 70A.305 RCW.

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 70A.205  
9 RCW to read as follows:

10 By January 1, 2026, and each five years thereafter, each  
11 jurisdictional health department must transmit to the department a  
12 list of any violations of the requirements of this chapter currently  
13 identified by the jurisdictional health department with respect to  
14 each limited purpose landfill that is currently operating in the  
15 jurisdiction. This list must include a description of any enforcement  
16 actions taken against the limited purpose landfill and whether the  
17 identified violation has been resolved to the satisfaction of the  
18 jurisdictional health department.

19 **Sec. 8.** RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and  
20 2024 c 339 s 16 are each reenacted and amended to read as follows:

21 (1) The hearings board shall only have jurisdiction to hear and  
22 decide appeals from the following decisions of the department, the  
23 director, local conservation districts, the air pollution control  
24 boards or authorities as established pursuant to chapter 70A.15 RCW,  
25 local health departments, the department of natural resources, the  
26 department of fish and wildlife, the parks and recreation commission,  
27 and authorized public entities described in chapter 79.100 RCW:

28 (a) Civil penalties imposed pursuant to chapter 70A.230 RCW and  
29 RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020,  
30 section 6 of this act, 70A.205.280, 70A.355.070, 70A.430.070,  
31 70A.500.260, 70A.505.100, 70A.505.110, 70A.530.040, 70A.350.070,  
32 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080,  
33 70A.245.130, 70A.245.140, 70A.65.200, 70A.455.090, 70A.550.030,  
34 70A.555.110, 70A.560.020, 70A.565.030, 76.09.170, 77.55.440,  
35 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310,  
36 90.56.330, and 90.64.102.

37 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
38 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530,

1 70A.15.6010, section 6 of this act, 70A.205.280, 70A.214.140,  
2 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 70A.505.100,  
3 70A.555.110, 70A.560.020, 70A.565.030, 86.16.020, 88.46.070,  
4 90.03.665, 90.14.130, 90.46.250, 90.48.120, 90.48.240, 90.56.330, and  
5 90.64.040.

6 (c) Except as provided in RCW 90.03.210(2), the issuance,  
7 modification, or termination of any permit, certificate, or license  
8 by the department or any air authority in the exercise of its  
9 jurisdiction, including the issuance or termination of a waste  
10 disposal permit, the denial of an application for a waste disposal  
11 permit, the modification of the conditions or the terms of a waste  
12 disposal permit, a decision to approve or deny a solid waste  
13 management plan under RCW 70A.205.055, approval or denial of an  
14 application for a beneficial use determination under RCW 70A.205.260,  
15 an application for a change under RCW 90.03.383, or a permit to  
16 distribute reclaimed water under RCW 90.46.220.

17 (d) Decisions of local health departments regarding the granting  
18 or denial of solid waste permits pursuant to chapter 70A.205 RCW,  
19 including appeals by the department as provided in RCW 70A.205.130.

20 (e) Decisions of local health departments regarding the issuance  
21 and enforcement of permits to use or dispose of biosolids under RCW  
22 70A.226.090.

23 (f) Decisions of the department regarding waste-derived  
24 fertilizer or micronutrient fertilizer under RCW 15.54.820.

25 (g) Decisions of local conservation districts related to the  
26 denial of approval or denial of certification of a dairy nutrient  
27 management plan; conditions contained in a plan; application of any  
28 dairy nutrient management practices, standards, methods, and  
29 technologies to a particular dairy farm; and failure to adhere to the  
30 plan review and approval timelines in RCW 90.64.026 as provided in  
31 RCW 90.64.028.

32 (h) Any other decision by the department or an air authority  
33 which pursuant to law must be decided as an adjudicative proceeding  
34 under chapter 34.05 RCW.

35 (i) Decisions of the department of natural resources, the  
36 department of fish and wildlife, and the department that are  
37 reviewable under chapter 76.09 RCW, and the department of natural  
38 resources' appeals of county, city, or town objections under RCW  
39 76.09.050(7).

1 (j) Forest health hazard orders issued by the commissioner of  
2 public lands under RCW 76.06.180.

3 (k) Decisions of the department of fish and wildlife to issue,  
4 deny, condition, or modify a hydraulic project approval permit under  
5 chapter 77.55 RCW, to issue a stop work order, to issue a notice to  
6 comply, to issue a civil penalty, or to issue a notice of intent to  
7 disapprove applications.

8 (l) Decisions of the department of natural resources that are  
9 reviewable under RCW 78.44.270.

10 (m) Decisions of an authorized public entity under RCW 79.100.010  
11 to take temporary possession or custody of a vessel or to contest the  
12 amount of reimbursement owed that are reviewable by the hearings  
13 board under RCW 79.100.120.

14 (n) Decisions of the department of ecology that are appealable  
15 under RCW 70A.245.020 to set recycled minimum postconsumer content  
16 for covered products or to temporarily exclude types of covered  
17 products in plastic containers from minimum postconsumer recycled  
18 content requirements.

19 (o) Orders by the department of ecology under RCW 70A.455.080.

20 (2) The following hearings shall not be conducted by the hearings  
21 board:

22 (a) Hearings required by law to be conducted by the shorelines  
23 hearings board pursuant to chapter 90.58 RCW, except where appeals to  
24 the pollution control hearings board and appeals to the shorelines  
25 hearings board have been consolidated pursuant to RCW 43.21B.340.

26 (b) Hearings conducted by the department pursuant to RCW  
27 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,  
28 70A.15.3110, and 90.44.180.

29 (c) Appeals of decisions by the department under RCW 90.03.110  
30 and 90.44.220.

31 (d) Hearings conducted by the department to adopt, modify, or  
32 repeal rules.

33 (3) Review of rules and regulations adopted by the hearings board  
34 shall be subject to review in accordance with the provisions of the  
35 administrative procedure act, chapter 34.05 RCW.

36 NEW SECTION. **Sec. 9.** If specific funding for the purposes of  
37 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2025, in the omnibus appropriations act, this  
2 act is null and void."

3 Correct the title.

EFFECT: (1) Requires that permits for limited purpose landfills, rather than all landfills, must be approved by the Department of Ecology (Ecology).

(2) Authorizes Ecology to suspend a permit for a limited purpose landfill, rather than all solid waste handling facilities, that is being operated in violation of applicable laws and rules.

(3) Provides that the authority for a jurisdictional health department (JHD) and Ecology to issue civil penalties and issue compliance orders is for limited purpose landfills operating in violation of applicable laws and rules, rather than all solid waste handling facilities.

(4) Requires limited purpose landfills, rather than solid waste handling facilities, to provide information necessary to determine compliance to the JHD and Ecology.

(5) Requires a JHD to provide Ecology with a list of all violations of applicable laws and rules by each limited purpose landfill, rather than each solid waste handling facility, operating in the JHD's jurisdiction.

(6) Provides a definition for limited purpose landfills for the chapter.

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