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## Environment & Energy Committee

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### HB 1154

**Brief Description:** Ensuring environmental and public health protection from solid waste handling facility operations.

**Sponsors:** Representatives Duerr, Doglio, Ramel, Berry, Ryu, Callan, Pollet, Berg, Davis, Kloba and Hunt, V.

#### Brief Summary of Bill

- Authorizes the Department of Ecology (Ecology) to suspend a permit and impose civil penalties for a solid waste handling facility that is operating in violation of any solid waste management requirements.
- Requires each local jurisdictional health department to provide Ecology with a list of violations of the requirements for solid waste handling facilities for each facility.

**Hearing Date:** 1/13/25

**Staff:** Matt Sterling (786-7289).

#### Background:

##### Solid Waste Handling Facility Management.

Under the state's solid waste management laws, local governments are the primary government entity responsible for implementing state solid waste management requirements. The Department of Ecology (Ecology) also has certain roles in overseeing the administration of solid waste management laws. Ecology is responsible for working cooperatively with local governments as they develop their local solid waste management plans and in developing the comprehensive solid waste management plan.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Local jurisdictional health departments (JHD) are responsible for issuing permits to solid waste facilities. Solid waste handling facilities are facilities that manage the storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes. This includes the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes, or the conversion of the energy in solid wastes. These facilities include landfills which are disposal facilities or part of facilities at which solid waste is placed and is not a land treatment.

In issuing permits, the JHD must determine if a solid waste facility meets local health and zoning requirements, the local solid waste management plan, and all applicable state and federal solid waste laws and regulations. These permits must be renewed at least every five years. A JHD may hold a public hearing prior to making a permit decision and must approve or disapprove a permit renewal within 45 days of conducting its review.

#### Permits and Enforcement.

Applications for permits to operate a new or modified solid waste handling facility are submitted to the JHD. The application is on forms prescribed by Ecology and contains a description of the proposed facilities and operations at the site, plans for any new or modified facilities, and other information the JHD needs to determine if the facilities will comply with all applicable laws and regulations, conforms with all zoning requirements, and the comprehensive solid waste management plan. The JHD issues the permit once it determines the application meets all applicable requirements.

Upon receiving the application, the JHD provides a copy of the application to Ecology. Within 30 days of when the JHD issues a permit, Ecology reviews the application to ensure the facility conforms with all applicable laws and regulations and the comprehensive solid waste management plan. Ecology may appeal the issuance of a permit by the JHD to the Pollution Control Hearings Board (PCHB) for noncompliance. The JHD may suspend any permit issued for a solid waste disposal site if the JHD determines that the site or facilities on the site are being operated in violation of any applicable solid waste management laws or regulations or any local laws or regulations.

#### Pollution Control Hearings Board.

The PCHB is an appeals board with jurisdiction to hear appeals of certain decisions, orders, and penalties issued by Ecology and several other state agencies. Parties aggrieved by a PCHB decision may obtain subsequent judicial review. Penalties appealable to the PCHB must generally be imposed following standard general protocols, including that the penalty must be accompanied by a notice in writing describing the violation, and specifying when the penalty must be appealed or else becomes due and payable. With some exceptions, penalties that are appealable to the PCHB are credited to the State General Fund.

### **Summary of Bill:**

#### Permits and Enforcement.

Both the JHD and Ecology may at any time suspend a permit for a solid waste disposal site if either determines that the site or the facility are being operated in violation of any applicable solid waste management laws or regulations. An applicant or permittee must allow the JHD and Ecology to conduct inspections and collect samples. Upon receipt of an order by the JHD or Ecology, a solid waste handling facility owner or operator must provide information necessary to determine compliance with the requirements for solid waste handling facilities. Additionally, both the JHD and Ecology may:

- impose a civil penalty of up to \$10,000 per day of operation of a solid waste handling facility in violation of the requirements of local or state solid waste management requirements or the permit issued; and
- issue an order requiring compliance by a solid waste handling facility.

If Ecology takes action to impose civil penalties or require compliance, Ecology must notify the JHD of the start and any end date of Ecology's enforcement activities and the geographical boundaries of the solid waste handling facilities at which the enforcement activities are planned.

Any penalties paid by a solid waste handling facility owner or operator to a government entity for a violation shall reduce by such amount any other penalty imposed by a different government entity for a violation based on the same incident and conduct. Penalties imposed by Ecology must be deposited in the Model Toxics Control Operating Account. Any person who is issued an order or incurs a penalty from a JHD or Ecology may appeal such order or penalty to the Pollution Control Hearings Board.

Beginning January 1, 2026, and every five years thereafter, each JHD must provide a list to Ecology of any violations of the requirements for solid waste handling facilities for each facility currently operating in the jurisdiction. The list must include a description of any enforcement actions taken against the solid waste handling facility and whether the violation has been resolved.

**Appropriation:** None.

**Fiscal Note:** Requested on 01/08/2025.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.