

SENATE BILL REPORT

2SHB 1154

As Reported by Senate Committee On:
Environment, Energy & Technology, March 25, 2025

Title: An act relating to ensuring environmental and public health protection from solid waste handling facility operations.

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

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Duerr, Doglio, Ramel, Berry, Ryu, Callan, Pollet, Berg, Davis, Kloba and Hunt).

Brief History: Passed House: 3/5/25, 58-39.

Committee Activity: Environment, Energy & Technology: 3/18/25, 3/25/25 [DP-WM, DNP].

Brief Summary of Bill

- Requires the Department of Ecology (Ecology) to approve all permits for landfilling prior to issuance or renewal by the jurisdictional health department.
- Authorizes 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 jurisdictional health districts to report to Ecology every five years information on violations at solid waste handling facilities.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Shewmake, Chair; Slatter, Vice Chair; Dhingra, Liias, Lovelett, Ramos and Wellman.

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.

Minority Report: Do not pass.

Signed by Senators Boehnke, Ranking Member; Harris, MacEwen and Short.

Staff: Alicia Kinne-Clawson (786-7407)

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.

Permits. Local jurisdictional health departments are responsible for issuing permits to solid waste facilities. Jurisdictional health departments 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. Solid waste facility permits must be renewed at least every five years.

Jurisdictional health departments are required to review and approve applications for new or modified solid waste handling facilities. The application is on forms prescribed by Ecology. Upon receipt of the application, the jurisdictional health district provides a copy of the application to Ecology. Ecology reviews the application to confirm that the facility conforms with all applicable laws and regulations.

Summary of Bill: Solid Waste Disposal Facility and Landfill Permits. Every permit for landfilling issued by a jurisdictional health department must be reviewed and approved by Ecology prior to issuance of the permit to ensure that the landfill conforms with the following:

- all applicable laws and regulations, including minimum function standards; and
- the approved comprehensive solid waste plan.

Ecology may require a jurisdictional health department to amend the contents of a proposed permit to ensure conformance with applicable laws and regulations. For landfilling permits issued after August 1, 2027, a permit or permit renewal is considered invalid unless it has been approved by Ecology.

Ecology and a jurisdictional health district may at any time suspend a permit for a solid waste disposal site if either determines the site or facility are being operated in violation of any applicable solid waste management laws or regulations.

Enforcement. A jurisdictional health department may send written notice to Ecology that it is deferring to Ecology's enforcement authority with respect to a solid waste handling facility within the jurisdictional health district's authority. Ecology may exercise authority

independent of the jurisdictional health authority if, in Ecology's judgement, the jurisdictional health authority's response fails to adequately address the violations of this chapter by the solid waste handling facility operator.

When Ecology begins enforcement activities, Ecology must notify the jurisdictional health district with a letter of intent that specifies the:

- start and end date of enforcement activities; and
- geographical boundaries of solid waste handling facilities of planned enforcement activities.

A jurisdictional health department or Ecology may:

- impose a civil penalty of up to \$5,000 per day, and up to \$10,000 per day after 14 days, 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.

Penalties imposed by a jurisdictional health district must be paid to the local Treasury in an account used for the expenses incurred by the jurisdictional health district. 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 jurisdictional health district may appeal the penalty to the local health officer. Any person who is issued an order or incurs a penalty from Ecology may appeal such order or penalty to the Pollution Control Hearings Board.

Reporting. Beginning January 1, 2026, and every five years thereafter, each jurisdictional health district must provide a list to Ecology of any existing 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: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill came about because we have landfills on fire. There's another landfill in Steven's County that has been out of compliance for 20 years. We do not have the backstops to protect the public from landfill noncompliance. This bill seems to provide a process by which Ecology can step in if the jurisdictional health districts cannot or will not. We are very much in support of this bill

having spent the last five years being very frustrated getting compliance from DTG on all manner of things. Health districts do not have the ability to fine. Two sets of eyes with Ecology reviewing permits will help. Under current laws and regulations we have struggled to bring the DTG landfill into compliance. Limited purpose landfills accept construction debris that can expose people to hazardous chemicals. The DTG landfill has been operating unpermitted for multiples months. There are ongoing fires. Waste is buried outside their boundary. This is about the situations where there is a problem. This will give more teeth and more consistency.

OTHER: This proposal formalizes the cooperation between Ecology and local governments. As written we feel the bill changes the relationship between local governments and the state and makes enforcement local in name only. Responsible management of these facilities requires significant investment. This policy creates regulatory authority by allowing ecology to intervene without clear triggers. There are gaps in enforcement that this bill recognizes and tries to address. We would support this bill if the scope of this bill were just landfills.

I support Ecology to have more enforcement. The enforcement section pulls our recycling facilities into this bill when we don't have any problems. This bill would allow Ecology to provide regulatory support to our jurisdictional health department partners.

Persons Testifying: PRO: Representative Davina Duerr, Prime Sponsor; Wendy Wickersham ; Heather Trim, Zero Waste Washington; Nancy Lust, Friends of Rocky Top; Scott Cave, Friends of Rocky Top.

OTHER: Jaime Bodden, WSALPHO; Nick Streuli, WRRRA; Travis Dutton, Washington State Association of Counties; Peter Lyon, Washington Department of Ecology, Solid Waste Management Program; Troy LAUTENBACH, Lautenbach Recycling.

Persons Signed In To Testify But Not Testifying:

CON: TaraLyn Fray.