
SUBSTITUTE HOUSE BILL 1154

State of Washington

69th Legislature

2025 Regular Session

By House Environment & Energy (originally sponsored by Representatives Duerr, Doglio, Ramel, Berry, Ryu, Callan, Pollet, Berg, Davis, Kloba, and Hunt)

READ FIRST TIME 01/29/25.

1 AN ACT Relating to ensuring environmental and public health
2 protection from solid waste handling facility operations; amending
3 RCW 70A.205.125, 70A.205.130, 70A.205.135, and 70A.205.140;
4 reenacting and amending RCW 43.21B.110; adding new sections to
5 chapter 70A.205 RCW; and prescribing penalties.

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

7 **Sec. 1.** RCW 70A.205.125 and 2016 c 119 s 4 are each amended to
8 read as follows:

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

17 (2) Upon receipt of an application for a permit to establish or
18 modify a solid waste handling facility, the jurisdictional health
19 department shall refer one copy of the application to the department
20 which shall report its findings to the jurisdictional health
21 department. When the application is for a permit to establish or

1 modify a solid waste handling facility located in an area that is not
2 under a quarantine, as defined in RCW 17.24.007, and when the
3 facility will receive material for composting from an area under a
4 quarantine, the jurisdictional health department shall also provide a
5 copy of the application to the department of agriculture. The
6 department of agriculture shall review the application to determine
7 whether it contains information demonstrating that the proposed
8 facility presents a risk of spreading disease, plant pathogens, or
9 pests to areas that are not under a quarantine. For the purposes of
10 this subsection, "composting" means the biological degradation and
11 transformation of organic solid waste under controlled conditions
12 designed to promote aerobic decomposition.

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

19 (4) When the jurisdictional health department finds that the
20 permit should be issued, ~~((it))~~ and the department has approved the
21 permit under RCW 70A.205.130(4), the jurisdictional health department
22 shall issue such permit. Every application shall be approved or
23 disapproved within ~~((ninety))~~ 90 days after its receipt by the
24 jurisdictional health department.

25 (5) The jurisdictional board of health may establish reasonable
26 fees for permits and renewal of permits. All permit fees collected by
27 the health department shall be deposited in the treasury and to the
28 account from which the health department's operating expenses are
29 paid.

30 **Sec. 2.** RCW 70A.205.130 and 2020 c 20 s 1173 are each amended to
31 read as follows:

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

36 ~~((1))~~ (a) All applicable laws and regulations including the
37 ~~((minimal))~~ minimum functional standards for solid waste handling;
38 and

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

3 (2) The department shall review the permit within (~~(thirty)~~) 30
4 days after the issuance of the permit by the jurisdictional health
5 department. (~~The~~) For solid waste handling facilities other than
6 landfills, the department may appeal the issuance of the permit by
7 the jurisdictional health department to the pollution control
8 hearings board, as described in chapter 43.21B RCW, for noncompliance
9 with subsection (1) (~~(or (2))~~) (a) or (b) of this section.

10 (3) No permit issued pursuant to RCW 70A.205.125 after June 7,
11 1984, shall be considered valid unless it has been reviewed by the
12 department.

13 (4) (a) Every permit issued by a jurisdictional health department
14 under RCW 70A.205.125 for landfilling must be reviewed and approved
15 by the department to ensure that the proposed landfill conforms with:

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

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

19 (b) The department shall review the permit prior to the issuance
20 of the permit by the jurisdictional health department. The department
21 may only approve a permit that ensures that the landfill conforms
22 with all applicable laws and regulations, including the minimum
23 functional standards for solid waste handling. The department may
24 require a jurisdictional health department to amend the contents of a
25 proposed permit to ensure conformance with applicable laws and
26 regulations, including the minimum functional standards for solid
27 waste handling.

28 (c) A jurisdictional health department or applicant may appeal
29 the department's denial or amendment of a landfill permit under this
30 section, including the denial of the renewal of a permit, to the
31 pollution control hearings board.

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

34 **Sec. 3.** RCW 70A.205.135 and 2020 c 20 s 1174 are each amended to
35 read as follows:

36 (1) Every permit for an existing solid waste handling facility
37 issued pursuant to RCW 70A.205.125 shall be renewed at least every
38 five years on a date established by the jurisdictional health
39 department having jurisdiction of the site and as specified in the

1 permit. If a permit is to be renewed for longer than one year, the
2 local jurisdictional health department may hold a public hearing
3 before making such a decision. Prior to renewing a permit, the health
4 department shall conduct a review as it deems necessary to assure
5 that the solid waste handling facility or facilities located on the
6 site continues to meet minimum functional standards of the
7 department, applicable local regulations, and are not in conflict
8 with the approved solid waste management plan. A jurisdictional
9 health department shall approve or disapprove a permit renewal within
10 (~~forty-five~~) 45 days of conducting its review. The department shall
11 review and may appeal the renewal of permits for solid waste handling
12 facilities other than landfills as set forth for the approval of
13 permits in RCW 70A.205.130(2). The department must review and approve
14 or disapprove renewal of permits for landfill disposal facilities as
15 set forth in RCW 70A.205.130(4).

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

21 **Sec. 4.** RCW 70A.205.140 and 2016 c 119 s 5 are each amended to
22 read as follows:

23 Any permit for a solid waste disposal site issued as provided
24 herein shall be subject to suspension at any time the department or
25 the jurisdictional health department determines that the site or the
26 solid waste disposal facilities located on the site are being
27 operated in violation of this chapter, the regulations of the
28 department, the rules of the department of agriculture, or local laws
29 and regulations.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 70A.205
31 RCW to read as follows:

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

34 (a) Impose a civil penalty not to exceed \$5,000 per day for the
35 first 14 days of operation. If the violation is not resolved within
36 14 days, the agency imposing the penalty may increase the penalty not
37 to exceed \$10,000 per day of operation of a solid waste handling

1 facility in violation of the requirements of this chapter or a permit
2 issued under this chapter; and

3 (b) Issue an order requiring compliance by a solid waste handling
4 facility in violation of the requirements of this chapter or a permit
5 issued under this chapter. A person who fails to take corrective
6 action as specified in a compliance order is liable for a civil
7 penalty as provided in (a) of this subsection. Before issuing a civil
8 penalty, a jurisdictional health department will attempt to reach
9 compliance with the solid waste handling facility through education
10 and outreach.

11 (2) (a) A jurisdictional health department may send written notice
12 to the department that it is deferring to the department's authority
13 under this section to enforce the requirements of this chapter with
14 respect to a solid waste handling facility in a jurisdiction.

15 (b) The department may exercise the department's authority under
16 this section to take enforcement action in the absence of a deferral
17 by the jurisdictional health department if, in the department's
18 judgment, the jurisdictional health department's enforcement response
19 fails to adequately address violations of this chapter by a solid
20 waste handling facility operator. When the department begins
21 enforcement activities, the department must notify the jurisdictional
22 health department with a letter of intent that includes:

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

25 (ii) The geographical boundaries of solid waste handling
26 facilities at which the enforcement activities are planned.

27 (c) If a solid waste handling facility owner or operator pays a
28 penalty under this section for a violation to a government entity,
29 any penalty imposed by a different government entity for a violation
30 based on the same incident and conduct shall be reduced by the amount
31 of the prior penalty.

32 (d) Upon receipt of an order by the jurisdictional health
33 department or department, a solid waste handling facility owner or
34 operator must provide information necessary to determine compliance
35 with the requirements of this chapter applicable to solid waste
36 handling facilities.

37 (e) An applicant or permittee must allow the jurisdictional
38 health department and department to conduct inspections and collect
39 samples.

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

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

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

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

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

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

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

17 By January 1, 2026, and each five years thereafter, each
18 jurisdictional health department must transmit to the department a
19 list of any violations of the requirements of this chapter currently
20 identified by the jurisdictional health department with respect to
21 each solid waste facility that is currently operating in the
22 jurisdiction. This list must include a description of any enforcement
23 actions taken against the solid waste facility and whether the
24 identified violation has been resolved to the satisfaction of the
25 jurisdictional health department.

26 **Sec. 7.** RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and
27 2024 c 339 s 16 are each reenacted and amended to read as follows:

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

35 (a) Civil penalties imposed pursuant to chapter 70A.230 RCW and
36 RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020,
37 section 5 of this act, 70A.205.280, 70A.355.070, 70A.430.070,
38 70A.500.260, 70A.505.100, 70A.505.110, 70A.530.040, 70A.350.070,

1 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080,
2 70A.245.130, 70A.245.140, 70A.65.200, 70A.455.090, 70A.550.030,
3 70A.555.110, 70A.560.020, 70A.565.030, 76.09.170, 77.55.440,
4 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310,
5 90.56.330, and 90.64.102.

6 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
7 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530,
8 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070,
9 70A.245.020, 70A.65.200, 70A.505.100, 70A.555.110, 70A.560.020,
10 70A.565.030, 86.16.020, 88.46.070, 90.03.665, 90.14.130, 90.46.250,
11 90.48.120, 90.48.240, 90.56.330, and 90.64.040.

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

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

26 (e) Decisions of local health departments regarding the issuance
27 and enforcement of permits to use or dispose of biosolids under RCW
28 70A.226.090.

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

31 (g) Decisions of local conservation districts related to the
32 denial of approval or denial of certification of a dairy nutrient
33 management plan; conditions contained in a plan; application of any
34 dairy nutrient management practices, standards, methods, and
35 technologies to a particular dairy farm; and failure to adhere to the
36 plan review and approval timelines in RCW 90.64.026 as provided in
37 RCW 90.64.028.

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

1 (i) Decisions of the department of natural resources, the
2 department of fish and wildlife, and the department that are
3 reviewable under chapter 76.09 RCW, and the department of natural
4 resources' appeals of county, city, or town objections under RCW
5 76.09.050(7).

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

8 (k) Decisions of the department of fish and wildlife to issue,
9 deny, condition, or modify a hydraulic project approval permit under
10 chapter 77.55 RCW, to issue a stop work order, to issue a notice to
11 comply, to issue a civil penalty, or to issue a notice of intent to
12 disapprove applications.

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

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

19 (n) Decisions of the department of ecology that are appealable
20 under RCW 70A.245.020 to set recycled minimum postconsumer content
21 for covered products or to temporarily exclude types of covered
22 products in plastic containers from minimum postconsumer recycled
23 content requirements.

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

25 (2) The following hearings shall not be conducted by the hearings
26 board:

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

31 (b) Hearings conducted by the department pursuant to RCW
32 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,
33 70A.15.3110, and 90.44.180.

34 (c) Appeals of decisions by the department under RCW 90.03.110
35 and 90.44.220.

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

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

--- **END** ---