

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1154

69th Legislature
2025 Regular Session

Passed by the House April 21, 2025
Yeas 57 Nays 39

**Speaker of the House of
Representatives**

Passed by the Senate April 15, 2025
Yeas 28 Nays 20

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1154** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1154

AS AMENDED BY THE SENATE

Passed Legislature - 2025 Regular Session

State of Washington

69th Legislature

2025 Regular Session

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

READ FIRST TIME 02/21/25.

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; creating a new section; and prescribing
6 penalties.

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

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

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

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

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

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

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

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

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

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

37 ~~((1))~~ (a) All applicable laws and regulations including the
38 ~~((minimal))~~ minimum functional standards for solid waste handling;
39 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) This section establishes a cooperative program of solid waste
33 handling facility management between local government and the state.
34 Local government shall have the primary responsibility for issuing
35 the permits required by this chapter, administering the regulatory
36 program consistent with the policy and provisions of this chapter,
37 and imposing penalties for violations of the provisions of this
38 chapter. The department shall act primarily in a supportive and

1 review capacity with an emphasis on ensuring compliance with the
2 policy and provisions of this chapter. The department shall enforce
3 the requirements of this chapter under the following circumstances:

4 (a) A jurisdictional health department may send written notice to
5 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 solid waste handling facility in a jurisdiction.

8 (b) The department determines that a jurisdictional health
9 department's enforcement action is inadequate to address violations
10 of this chapter by a solid waste handling facility operator. A
11 jurisdictional health department's enforcement action is inadequate
12 when any of the following occur without successful resolution of the
13 violation:

14 (i) The jurisdictional health department fails to conduct an
15 inspection to verify a reported, credible alleged violation within 45
16 calendar days after receiving notification of the violation;

17 (ii) The jurisdictional health department fails to issue a notice
18 of violation or corrective action order within 60 calendar days after
19 observing a violation during an inspection or on-site visit;

20 (iii) The jurisdictional health department fails to take any
21 enforcement action as authorized under this chapter within 90
22 calendar days after issuing a notice of violation; or

23 (iv) The jurisdictional health department has initiated
24 enforcement action but the violation has continued for more than 180
25 days without resolution or substantial progress toward resolution.

26 (c) A jurisdictional health department shall notify the
27 department within a reasonable amount of time of the dates and
28 official communications regarding the following activities with
29 respect to a solid waste handling facility operator:

30 (i) Receipt of a reported, credible alleged violation of this
31 chapter;

32 (ii) Observation of a violation of this chapter during an
33 inspection or on-site visit;

34 (iii) Notice of a violation of this chapter or corrective action
35 that was sent by the jurisdictional health department to a solid
36 waste handling operator;

37 (iv) Any enforcement action taken by the jurisdictional health
38 department; and

1 (v) Any activities by the solid waste handling facility operator
2 that constitute resolution or progress toward resolution of the
3 violations of this chapter.

4 (2) When the department determines that a jurisdictional health
5 department enforcement action is inadequate and that it will take
6 enforcement action under subsection (1)(b) of this section, the
7 department shall provide written notice of its intent to enforce to
8 the jurisdictional health department and to the solid waste handling
9 facility operator. The department's notice of intent to enforce must
10 be provided no less than 30 calendar days prior to the department
11 issuing a penalty or order under this section and section 6 of this
12 act. The 30-day notice requirement may be waived if the violation
13 presents an immediate and substantial endangerment to human health or
14 the environment requiring urgent action. The department's notice of
15 intent to enforce must include:

16 (a) Identification of the alleged violations of the statute,
17 regulation, or rule that are the basis for the department's
18 enforcement action and the number of alleged violations;

19 (b) A description of the department's process that led to its
20 determination that such violations existed;

21 (c) Which of the criteria under subsection (1)(b)(i) through (iv)
22 of this section apply;

23 (d) The proposed start date and any end date of the department's
24 enforcement action; and

25 (e) The proposed geographical boundaries of solid waste handling
26 facilities at which the enforcement action is planned.

27 (3) If within 30 calendar days of the jurisdictional health
28 department's receipt of the department's notice of intent to enforce,
29 and the violation does not present an immediate and substantial
30 endangerment to human health or the environment, the jurisdictional
31 health department initiates an enforcement action that the department
32 and the jurisdictional health department agree will adequately
33 address the identified violations, the department will hold its
34 enforcement action in abeyance.

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

1 (5) An applicant or permittee must allow the jurisdictional
2 health department and department to conduct inspections and collect
3 samples.

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

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

8 (1) In addition to the provisions of RCW 70A.205.140, and in
9 accordance with the procedures described in section 5 of this act,
10 for any person engaged in solid waste handling subject to permitting
11 under this chapter, the enforcement authority may:

12 (a) Impose a civil penalty not to exceed \$5,000 per day for the
13 first 14 days of violation of the requirements of this chapter or a
14 permit issued under this chapter. If the violation is not resolved
15 within 14 days, the agency imposing the penalty may increase the
16 penalty not to exceed \$10,000 per day of violation of the
17 requirements of this chapter or a permit issued under this chapter;
18 and

19 (b) Issue an order requiring compliance with the requirements of
20 this chapter or a permit issued under this chapter. A person who
21 fails to take corrective action as specified in a compliance order is
22 liable for a civil penalty as provided in (a) of this subsection.
23 Before issuing a civil penalty, the enforcement authority will
24 attempt through education and outreach to assist the person engaged
25 in solid waste handling with achieving compliance with the
26 requirements of this chapter or a permit issued under this chapter.

27 (2) 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 (3)(a) Penalties levied by a jurisdictional health department
33 shall be deposited in the treasury and to the account from which such
34 jurisdictional health department's operating expenses are paid.

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

38 (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 created by chapter
5 43.21B RCW.

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

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

15 (a) Civil penalties imposed pursuant to chapter 70A.230 RCW and
16 RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020,
17 section 6 of this act, 70A.205.280, 70A.355.070, 70A.430.070,
18 70A.500.260, 70A.505.100, 70A.505.110, 70A.530.040, 70A.350.070,
19 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080,
20 70A.245.130, 70A.245.140, 70A.65.200, 70A.455.090, 70A.550.030,
21 70A.555.110, 70A.560.020, 70A.565.030, 76.09.170, 77.55.440,
22 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310,
23 90.56.330, and 90.64.102.

24 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
25 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530,
26 70A.15.6010, section 6 of this act, 70A.205.280, 70A.214.140,
27 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 70A.505.100,
28 70A.555.110, 70A.560.020, 70A.565.030, 86.16.020, 88.46.070,
29 90.03.665, 90.14.130, 90.46.250, 90.48.120, 90.48.240, 90.56.330, and
30 90.64.040.

31 (c) Except as provided in RCW 90.03.210(2), the issuance,
32 modification, or termination of any permit, certificate, or license
33 by the department or any air authority in the exercise of its
34 jurisdiction, including the issuance or termination of a waste
35 disposal permit, the denial of an application for a waste disposal
36 permit, the modification of the conditions or the terms of a waste
37 disposal permit, a decision to approve or deny a solid waste
38 management plan under RCW 70A.205.055, approval or denial of an
39 application for a beneficial use determination under RCW 70A.205.260,

1 an application for a change under RCW 90.03.383, or a permit to
2 distribute reclaimed water under RCW 90.46.220.

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

6 (e) Decisions of local health departments regarding the issuance
7 and enforcement of permits to use or dispose of biosolids under RCW
8 70A.226.090.

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

11 (g) Decisions of local conservation districts related to the
12 denial of approval or denial of certification of a dairy nutrient
13 management plan; conditions contained in a plan; application of any
14 dairy nutrient management practices, standards, methods, and
15 technologies to a particular dairy farm; and failure to adhere to the
16 plan review and approval timelines in RCW 90.64.026 as provided in
17 RCW 90.64.028.

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

21 (i) Decisions of the department of natural resources, the
22 department of fish and wildlife, and the department that are
23 reviewable under chapter 76.09 RCW, and the department of natural
24 resources' appeals of county, city, or town objections under RCW
25 76.09.050(7).

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

28 (k) Decisions of the department of fish and wildlife to issue,
29 deny, condition, or modify a hydraulic project approval permit under
30 chapter 77.55 RCW, to issue a stop work order, to issue a notice to
31 comply, to issue a civil penalty, or to issue a notice of intent to
32 disapprove applications.

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

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

39 (n) Decisions of the department of ecology that are appealable
40 under RCW 70A.245.020 to set recycled minimum postconsumer content

1 for covered products or to temporarily exclude types of covered
2 products in plastic containers from minimum postconsumer recycled
3 content requirements.

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

5 (2) The following hearings shall not be conducted by the hearings
6 board:

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

11 (b) Hearings conducted by the department pursuant to RCW
12 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,
13 70A.15.3110, and 90.44.180.

14 (c) Appeals of decisions by the department under RCW 90.03.110
15 and 90.44.220.

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

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

21 NEW SECTION. **Sec. 8.** If specific funding for the purposes of
22 this act, referencing this act by bill or chapter number, is not
23 provided by June 30, 2025, in the omnibus appropriations act, this
24 act is null and void.

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