

## Proposed Legislation

### The problem

Our environmental statutes need updating and modernizing. There is a government-wide and Ecology-specific emphasis on applying Lean principles to our operations. Cleanup and clarification of the statutes we implement is vital to improving efficiency and public service.

Statutory cleanups are needed to correct:

- Inefficient and outdated provisions that hinder the work of local governments and other state agencies.
- Inconsistencies between and within statutes that create confusion on the part of staff and the public.

### The solution

Our staff have carefully examined statutory requirements to identify outdated or unclear provisions. We worked with the Environmental and Land Use Hearings Office to identify amendments that will improve efficiency. The resulting agency request legislation will update and clarify various environmental statutes that we implement.

### Ecology's proposal

We propose amendments to several environmental statutes that our agency administers to cleanup and clarify statutory language. Our proposal would:

- Correct sections that are confusing or contradictory.
- Update provisions that impede the efficient implementation of environmental codes by state agencies and local governments.
- Provide consistency among environmental statutes regarding appeal of agency actions to the Pollution Control Hearings Board.

### How it will benefit Washington State

- All users of the environmental statutes will benefit by removing outdated or confusing language.
- The Pollution Control Hearings Board and local governments will benefit from laws that better fit with modern practice or provide improved flexibility.

### WHY IT MATTERS

An essential part of Lean improvements in our work is to cleanup and clarify our statutes through legislative amendment.

Ecology has previously provided legislators and legislative committee staff with suggested clarifying amendments to our statutes. Our proposal is similar to HB 2439 from 2014. Many of these amendments were also incorporated into HB 1206 and HB 1948 in 2013.

In 2016, it is timely for Ecology to propose agency request legislation to update our environmental statutes. Our proposal builds on this previous work, and responds to our commitment to Lean government operations.

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### More information

Department of Ecology website for the Washington Legislature:  
<http://www.ecy.wa.gov/legislature.html>

### Accommodation Requests:

To request ADA accommodation including materials in a format for the visually impaired, call Executive Office at Ecology, 360-407-7000. Persons with impaired hearing may call Washington Relay Service 711. Persons with speech disability may call TTY at 877-833-6341.



## How it will work

Amendments are proposed to the following statutes:

### RCW 43.21A - Department of Ecology

Delete outdated authority for Ecology Director to construct a steam electric generating plant.

### RCW Chapter 43.21B - Environmental and Land Use Hearings Office

- Harmonize the ELUHO statute with provisions in other environmental statutes related to jurisdiction of the Pollution Control Hearings Board (PCHB) regarding appeals.
- Resolve duplicate sections of statute adopted in 2010.
- Improve efficiency of PCHB procedures on appeals of penalties of \$15,000 or less, by allowing these appeals to be heard by an administrative law judge.

### RCW 70.95M - Mercury; RCW 70.105 - Hazardous Waste Management; RCW 70.240 - Children's Safe Products; and RCW 86.16 - Floodplain Management

- Clarify provisions in these four statutes regarding appeals of penalties and orders to the PCHB.

### RCW 70.95 - Solid Waste Management — Reduction and Recycling

- Update provisions to more efficiently permit beneficial reuse of certain waste materials.
- Clarify that beneficial reuse provisions do not apply to biosolids or sewage sludge.
- Delete the automatic Environmental Impact Statement (EIS) requirement for all incinerators, instead allowing the State Environmental Policy Act process to determine when an EIS is needed.

### RCW 70.107 – Noise Control

- Update the state Noise statute to clarify that local governments have authority to regulate noise, and that Ecology does not have a role beyond adopting model standards.
- Remove the outdated requirement that local noise ordinances be submitted to Ecology for review and approval.

### RCW 90.56 - Oil and Hazardous Substance Spill Prevention and Response

- Delete provisions requiring submission of the state Master Oil and Hazardous Substance Spill Prevention and Contingency Plan to standing committees of the Legislature.
- Delete outdated vessel response account.

### RCW 90.58 – Shoreline Management Act

- Remove confusing duplicative provision regarding effective date of updated Shoreline Master Programs.
- Ensure clarity on the standards for approving an updated Shoreline Master Program, by providing consistency with RCW 36.70A.480 as amended in 2010 HB 1933.

