

**SENATE BILL REPORT**

**ESSB 5055**

**AS PASSED SENATE, JANUARY 29, 1992**

**Brief Description:** Providing for a certificate of completion for certain hazardous waste clean-up.

**SPONSORS:** Senate Committee on Environment & Natural Resources (originally sponsored by Senators Rasmussen and Amondson).

**SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES**

**Majority Report:** That Substitute Senate Bill No. 5055 be substituted therefor, and the substitute bill do pass.

Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, and Sutherland.

**Staff:** Atsushi Kiuchi (786-7708)

**Hearing Dates:** January 28, 1991; February 5, 1991

**BACKGROUND:**

Purchasers of nonresidential properties are often surprised when previously undisclosed hazardous substances or an abandoned underground storage tank are found on their newly acquired property. Until cleanup or removal is completed, the new owner faces a delay in use and unplanned expenses to remedy the situation.

The purchaser should be protected through a property recording and certification system.

**SUMMARY:**

When a release of a significant amount of hazardous substance has been found by the Department of Ecology, the property owner shall place a notice in the real property records kept in the county auditor's office where the property is located.

The notice shall include: (1) identification of the property and its owner; (2) the date the hazardous substance was released; and (3) direction to contact the Department of Ecology for more information.

The Department of Ecology shall issue a "notice of remedial action taken" to the property owner and file the notice in the county auditor's office. The notice shall describe the remedial actions taken in accordance with the department's approval.

Before selling, the seller shall provide a written statement to the purchaser describing any significant releases of

hazardous substances the seller knows occurred during the prior 20 years.

Any person injured by failure of the seller to comply with provisions of this act may recover damages for injury in the superior court where the property is located.

The Department of Ecology shall adopt rules on which releases are subject to the reporting and notification requirements. The rules for reporting are for those releases that are of magnitude that would cause adverse impact to human health and environment.

The Department of Ecology shall issue a statement to the owner of a removed or closed underground storage tank that the action taken, as reported to the department, conforms with applicable department rules.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested January 23, 1991

**TESTIMONY FOR:**

Timely public notices are needed whenever a hazardous waste contaminated area has been cleaned up. The need is greatest when the property is being sold. The buyer must have some assurance that the land can be used for purposes intended without delay or unplanned expenses for cleanup.

**TESTIMONY AGAINST:**

Final clearance on a cleanup and release from liability are major unresolved issues of the Model Toxics Control Act and require greater in-depth and comprehensive review.

**TESTIFIED:** Senator Rasmussen (pro); Bruce Wishart, Sierra Club (con); Terry Husseman and Carol Fleskes, Department of Ecology