

SENATE BILL REPORT

SB 5055

AS REPORTED BY COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES,
FEBRUARY 5, 1991

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

SPONSORS: 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 an undisclosed hazardous substance or an abandoned underground storage tank is 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.

A property recording and certification system will ensure that the would-be purchaser is informed of a situation that may affect the investment.

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) information directing the owner to the Department of Ecology.

The Department of Ecology shall maintain records of the remedial action taken on the site. When the department discovers the release after an inspection, it shall file a notice with the county auditor's office in the county where the property is located.

A certificate of completion shall be issued by the department and filed with the county auditor's office.

Before selling, the seller shall provide a written statement to the purchaser describing any significant releases of hazardous substances he/she 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 for the releases subject to the reporting and notification requirements. Reports must be filed for those releases that are of a magnitude that would cause adverse impact to human health and environment.

A certificate of completion shall be issued and filed in the property records by the Department of Ecology whenever an underground storage tank containing petroleum or other regulated substance is cleaned or removed.

EFFECT OF PROPOSED SUBSTITUTE:

The property owner shall file in the county auditor's office all notices of the significant release of hazardous substances on their property.

A "Notice of Remedial Action Taken" shall be issued to the property owner by the Department of Ecology, describing the remedial actions taken in accordance with the department's approval.

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

