

**SENATE BILL REPORT**

**SB 5094**

**AS OF JANUARY 24, 1991**

**Brief Description:** Providing for public notice of significant release of hazardous substances.

**SPONSORS:** Senators Talmadge, Metcalf, Stratton and A. Smith.

**SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES**

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

**Hearing Dates:** January 28, 1991

**BACKGROUND:**

Public interest and concern in hazardous waste management was evident when the voters passed Initiative Measure 97, the Model Toxics Control Act, in 1988.

One of the areas of concern is public notification where and when significant quantities of hazardous substances have been released on nonresidential property. In some cases, property has been sold without the purchaser knowing that the site had been contaminated by these releases.

A central point to obtain this information is needed.

A system to record hazardous substance releases on public and private nonresidential property will ensure that the public is protected and informed.

**SUMMARY:**

The owner of public or private nonresidential real property shall place a notice in the county auditor's real property records where the property is located when a release of a significant quantity of hazardous substance has been found by the Department of Ecology (DOE).

The notice shall include: (1) property identification; (2) name of the property owner and the person posting the notice; and (3) list the date when the release occurred.

The notice will include provisions to direct further inquiries to the DOE. The DOE shall maintain records of released substances and the remedial actions taken on the property.

When the DOE discovers the release after an inspection, the department shall file a notice in the county auditor's office where the property is located.

Before selling any right, title or interest in the property, the seller shall provide a written statement to the purchaser describing any releases that the seller knows to have occurred during the prior 20 years.

A purchaser may recover damages for the injuries sustained if the property owner fails to comply with the notification provisions of this act. The purchaser may recover damages if the seller fails to provide the written statement on previous releases on the property.

The DOE shall adopt rules on releases subject to the reporting and notification procedures. The reporting rules shall be limited to releases that are of magnitude causing significant adverse impacts to human health or the environment.

**Appropriation:** none

**Revenue:** none

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