

SENATE BILL REPORT

SB 6075

AS REPORTED BY COMMITTEE ON ECOLOGY & PARKS, FEBRUARY 2, 1994

Brief Description: Requiring the department of ecology to maintain a hazardous waste site list for sites that need remedial action.

SPONSORS: Senators Talmadge, Deccio and Fraser

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Bill No. 6075 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chairman; Deccio, McCaslin, Moore, Morton, Sutherland and Talmadge.

Staff: Kari Guy (786-7464)

Hearing Dates: January 17, 1994; February 2, 1994

BACKGROUND:

The Model Toxics Control Act (MTCA) was adopted by the voters as Initiative 97 in November, 1988. Under MTCA, the Department of Ecology is required to establish a hazard ranking system for hazardous waste sites.

The Washington Ranking Method (WARM) was adopted in January 1990 after field testing, public review, and input from the MTCA Science Advisory Board. The WARM model is a relative ranking model that divides sites into quintile ranks based on the overall potential impacts of the site to public health and the environment.

Sites given a WARM ranking are placed on the hazardous sites register, with a ranking of 1 through 5. The Department of Ecology then sets priorities for remedial action based on the WARM ranking, as well as federal national priority listing, the need for interim action, resource availability, and other factors. In this two-step process factors other than risk to public health and the environment may be considered for the final priority setting.

There are currently 491 sites on the hazardous sites register. These sites are broken down as follows: 226 sites with rank 1; 61 sites with rank 2; 46 sites with rank 3; 77 sites with rank 4; and 81 sites with rank 5. The rank 1 sites include 102 National Priority List sites.

The Department of Ecology is required to submit a report including a ranked list of projects and recommended expenditures to the Legislature by November of each even-numbered year. The report currently includes a ranked list of

sites where cleanup will occur in the coming biennium, and a ranked list of sites awaiting cleanup. Recommended appropriations in the report are broken down by program activity.

SUMMARY:

Legislative findings are made that the priority setting for hazardous waste site cleanup should rely primarily on relative risk to human health and the environment, and that funds appropriated for cleanup should be expended primarily for highest priority sites.

A hazardous waste sites list shall include all sites for which the department has credible evidence to believe that cleanup will be necessary. A minimum hazard threshold is set below which listing is not necessary. Deadlines are to be established for removing sites from the list, and the department shall maintain a separate list of sites with ongoing monitoring or operation and maintenance activities.

By January 1995 Ecology must establish a priority setting system that governs the agency's work and its expenditures from the toxics accounts. Public health and environmental risk are to be the primary factors in priority setting, but other considerations are allowed such as available funding and the responsible parties' readiness to proceed. The existing hazard ranking system is to be amended to conform to these requirements. Deadlines not to exceed one year are set for priority ranking of sites listed on the waste site list.

As part of its biennial report to the Legislature, Ecology is required to develop a work plan and projected expenditures for remedial action at the sites with the highest priority, for each of the fiscal years in the biennium. Additionally, Ecology must follow-up after each fiscal year with a report of actions taken and planned at each site, and expenditures at each site. Expenditures must be in substantial conformance with the site priority rankings, and consistent with the projections in the work plan.

EFFECT OF PROPOSED SUBSTITUTE:

Language requiring the department to adopt a minimum hazard threshold below which sites will not be listed on the hazardous sites list is deleted.

The requirement for the department to adopt a new hazard ranking system is deleted. The department must develop a priority setting system with criteria to ensure highest priority is assigned to sites with the greatest risk. If other criteria are used to increase the priority of a site, those sites must be identified in the work plan and the reasons for elevating the priority explained.

The department must use the revised priority setting system in developing the work plan for submittal to the Legislature before November 1 of each even numbered year.

The requirement for a work plan is amended to allow the department to exclude the per-site projection of expenditures of funds which are proposed to be held in reserve for department conducted cleanups.

Appropriation: none

Revenue: none

Fiscal Note: requested January 11, 1994

TESTIMONY FOR: None

TESTIMONY AGAINST:

The existing hazard ranking and priority setting system does provide the greatest priority for sites with the greatest risk; developing a new ranking system would be extremely expensive. Developing expenditure projections for each site will tip off the department's enforcement strategy, and reduce the ability to force potentially liable persons to conduct the cleanup.

TESTIFIED: Carol Fleskes, Department of Ecology; Chris Parsons, Washington Environmental Council (con); Bruce Wishart, Sierra Club (con); George Tyler