

2 **ESHB 1810** - S COMM AMD
3 By Committee on Ecology & Parks

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.105D
8 RCW to read as follows:

9 (1) The department shall establish a policy advisory committee to
10 provide advice to the legislature and the department on administrative
11 and legislative actions to more effectively implement this chapter.
12 The committee shall consist of the following members:

13 (a) Four legislative members selected as provided in subsection (2)
14 of this section;

15 (b) Four representatives of citizen and environmental
16 organizations;

17 (c) Four representatives of business, including two representatives
18 of small business and two representatives of large business;

19 (d) One representative of counties;

20 (e) One representative of cities;

21 (f) One representative of ports;

22 (g) One member of the science advisory board created under RCW
23 70.105D.030(4);

24 (h) No more than three additional members chosen by the committee;
25 and

26 (i) The directors of the departments of ecology and health or their
27 designees, to serve as nonvoting members.

28 (2) The president of the senate and the speaker of the house of
29 representatives may each appoint one member from each major caucus in
30 the senate and the house of representatives, respectively, to serve as
31 members of the committee.

32 (3) In making appointments under subsection (1) (b), (c), (d), (e),
33 (f), and (g) of this section, the department shall select from the
34 lists of recommendations submitted by recognized state-wide
35 organizations representing the interests of that category.

36 (4) The initial meeting of the committee shall be scheduled no

1 later than August 1, 1995. At the initial meeting the members shall
2 select a presiding officer and adopt procedures for carrying out their
3 duties under sections 2 and 3 of this act. In conducting its review
4 the committee should encourage the development of recommendations that
5 are broadly supported within the committee. Those recommendations as
6 well as other views within the committee shall be included in any
7 reports required by sections 2 and 3 this act.

8 (5) The committee may divide itself into or create subcommittees,
9 and may create additional work groups that include interested people
10 who are not committee members. The committee should encourage
11 participation by people who are interested in its work and who will, in
12 the committee's view, bring experience or technical or
13 interdisciplinary insight to a thoughtful consideration of the issues,
14 including but not limited to the disciplines of economics, law,
15 engineering, toxicology, chemistry, biology, hydrology, planning,
16 organizational management, community involvement, ecology, and public
17 health.

18 (6) The department shall provide staffing and other assistance to
19 the committee, including facilitators from within or outside of state
20 government if requested. Such assistance shall include information in
21 response to reasonable requests from the committee, provided that the
22 information is not protected by attorney-client privilege.

23 (7) Legislative members of the committee shall be reimbursed for
24 travel expenses as provided in RCW 44.04.120. If other members would
25 not be able to participate in the committee's activities because of
26 travel expenses or other financial limitations on the ability to
27 participate fully, the department shall certify the members as entitled
28 to reimbursement for travel expenses as provided in RCW 43.03.050 and
29 43.03.060.

30 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.105D
31 RCW to read as follows:

32 (1) The policy advisory committee shall review, provide advice, and
33 develop recommendations on the following subjects:

34 (a) Clean-up standards and clean-up levels, including the use of
35 site-specific risk assessment;

36 (b) Policies, rules, and procedures for the clean-up process,
37 including the use of cost and criteria in the selection of the clean-up
38 standards and the clean-up remedy as well as current or future land

1 use;

2 (c) How the department carries out the clean-up program in
3 practice, including funding, training, and accountability for clean-up
4 decisions and their implementation;

5 (d) Improving the clean-up process to provide additional incentives
6 to potentially liable parties to fully and expeditiously fund cleanups;

7 (e) The need for adoption of and recommended levels for
8 ecologically based clean-up standards; and

9 (f) A review of the effectiveness of independent cleanups.

10 (2) The committee shall begin meeting no later than August 1, 1995,
11 to review this chapter and its implementation to date. The committee
12 shall submit a preliminary report not later than December 15, 1995, to
13 the appropriate legislative committees, which identifies priority
14 questions and issues that the committee intends to address. The
15 preliminary report shall identify the schedule and approach planned for
16 analyzing these priority issues. The committee shall develop a
17 procedure to allow other interested parties to propose additional
18 questions and issues for review.

19 (3) The committee shall submit a final report to the department and
20 the appropriate legislative committees not later than December 15,
21 1996, on the priority issues it has identified for review. In addition
22 to action recommendations, the final report may identify issues and
23 priorities for further study, including a recommendation as to whether
24 the committee should continue in existence. The committee shall
25 periodically provide its findings and recommendations in future reports
26 to the department and to the appropriate legislative committees. In
27 addition, the committee shall biennially forward a draft work plan and
28 schedule for the next succeeding biennium to the department for
29 inclusion in the biennial report to the legislature required by RCW
30 70.105D.030(3).

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.105D
32 RCW to read as follows:

33 (1) Not later than October 1, 1995, the policy advisory committee
34 shall recommend, after receiving a list of proposed pilot project sites
35 and after consultation with the department, the sites for at least two,
36 and not more than four, pilot projects for the purpose of exploring
37 complex sites with multiple parties that have been contaminated as a
38 result of past industrial activities. In order to be eligible, a pilot

1 project shall be proposed by all or most of the potentially liable
2 parties at a site and shall be in the process of preparing clean-up
3 studies under an order or decree. Pilot projects are not exempt from
4 this chapter and the rules adopted under this chapter. Pilot projects
5 will be expected to comply with the threshold criteria set out in the
6 model toxics control act rule, WAC 173-340-700, including protection of
7 human health and the environment. Public participation in the clean-up
8 process for these sites shall be as provided in the rules adopted under
9 this chapter.

10 (2) In the pilot projects the department shall include with the
11 clean-up studies required under this chapter any additional or
12 alternative risk assessments or other analyses that potentially liable
13 parties may wish to prepare at their expense for the purpose of
14 exploration of improved methods to accomplish the purposes of this
15 chapter as set forth in RCW 70.105D.010. The department shall provide
16 technical assistance to identify an appropriate scope for such
17 supplemental analyses, so that the analyses may prove useful in
18 considering improvements to existing practices, policies, rules, and
19 procedures. The department may establish a reasonable schedule for the
20 preparation of any supplemental analyses. The analyses shall be
21 included in the clean-up studies regardless of whether the department
22 fully concurred in their scope. The department may simultaneously
23 prepare or commission its own supplemental analyses at its own expense,
24 as distinct from department technical review of supplemental studies
25 prepared by potentially liable parties which shall remain subject to
26 cost recovery under this chapter.

27 (3) In consultation with the potentially liable parties and
28 affected public for each site, the department's site managers shall to
29 the fullest extent possible use the administrative principles set
30 forth, for both the clean-up process and for clean-up standards, as
31 well as other flexible tools available in the rules adopted under this
32 chapter.

33 (4) In order to avoid misunderstanding and promote constructive
34 dialogue, the public participation plan for each site shall be designed
35 or revised to educate and involve the public on the nature of the pilot
36 project, the specific issues being explored at the site, and the
37 purpose and scope of any alternative or supplemental analyses.

38 (5) The department shall submit a report on the results of each
39 pilot project to the policy advisory committee within ninety days after

1 the comment period ends on the draft clean-up action plan for that
2 site. The department shall first provide the opportunity for the
3 potentially liable parties and interested members of the public at each
4 pilot project site to review and comment on a draft report and, if
5 there is a lack of consensus on the recommendations, to submit their
6 own report to be included in or appended to the department's report to
7 the committee. If the department and the parties do not agree on the
8 selection of remedy, the final clean-up action plan shall not be
9 approved until the committee has had a reasonable opportunity to
10 discuss the issues. The department shall submit a status report to the
11 policy advisory committee no later than March 31, 1996, including an
12 estimated schedule for reporting on each pilot project."

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16 On page 1, line 2 of the title, after "act;" strike the remainder
17 of the title and insert "and adding new sections to chapter 70.105D
18 RCW."

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