

SENATE BILL REPORT

SB 5839

As of February 26, 1997

Title: An act relating to a person potentially liable for a hazardous substance release.

Brief Description: Limiting the time period in which a person may be found liable for the release of a hazardous substance.

Sponsors: Senators Hochstatter, Morton and McCaslin.

Brief History:

Committee Activity: Agriculture & Environment: 2/27/97, 3/4/97.

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Staff: Richard Duggan (786-7414)

Background: The Model Toxics Control Act (MTCA) adopted in 1988 as Initiative 97 provides a process allowing the cleanup of hazardous waste sites. This process involves the identification and location of potentially liable persons (those responsible for the contamination) and requiring them to conduct remedial action, or reimburse the state for remedial action taken by it.

MTCA gives the Department of Ecology the power to order a potentially liable person to take remedial action. It gives the Attorney General the authority to enter into settlement agreements with a potentially liable person.

A settlement agreement may contain a limited covenant not to sue, which terminates liability but is voided when factors are discovered which were not known at the time it was entered. There is no provision for a termination of liability after compliance with a remedial action order.

Summary of Bill: Liability of a potentially liable person is terminated three years after complying completely with a remedial order or a consent decree under the MTCA. The Department of Ecology is authorized to require monitoring and investigation during that three-year period to assure that any potential harm from the release of hazardous substances is acceptable. A release by the potentially liable person after the three-year period ends is to be treated as a new release.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.