
**Agriculture & Ecology
Committee**

HB 1411

Brief Description: Providing public notice of releases of hazardous substances.

Sponsors: Representatives Veloria, Pennington, Cody, Campbell, Romero, Kenney, Keiser, Schual-Berke, Santos, Dunn, Linville, Boldt, Tokuda, Kagi, Cooper, McIntire and Rockefeller.

Brief Summary of Bill

- Requires the issuance of a public notice following the release of a hazardous substance that describes the release and the remedial actions being taken.

Hearing Date: 2/8/02

Staff: Jason Callahan (786-7117).

Background:

The owners and operators of a facility, or a site where hazardous substances are located, are responsible for reporting spills or other releases of hazardous substances to federal and state authorities. The time limits set for reporting vary depending on the type of facility and the type of release.

In Washington, there are five acts that require the reporting of a release. They are the Oil and Hazardous Substance Spill Prevention and Response Act, Hazardous Waste Management Act, Water pollution Control Act, Underground Storage Tank Act, and the Model Toxics Control Act (MTCA). These acts require reporting either immediately, within 24 hours, or within 90 days, depending on the circumstances of the release.

Owners and operators must report immediately to the Department of Ecology (DOE) any releases into the state's waters, wells, or drinking water supplies. Immediate notification is also required for new discharges of hazardous substances into the environment, and for spills or overfills of regulated substances from underground storage tanks (UST) that come in contact with soil, groundwater, or surface water in an amount which is more than de minimis.

An owner or operator of a facility must report a release within 24 hours if a UST leak is discovered. Notification within 24 hours is also required if a UST spills or is overfilled and the hazardous substance does not come in contact with soils or water.

MTCA requires an owner or operator to report to the DOE a known release of a substance that may be a threat to human health within 90 days of discovery. This requirement includes the reporting of any newly discovered historic releases that occurred as a result of past business practices.

There are currently no federal or state regulations requiring an owner or operator of a facility to directly serve notice of a release to landowners adjacent to or in close proximity to a facility.

Summary of Bill:

The owner or operator of a hazardous waste facility is required to issue a public notice within 60 days of discovering that a hazardous substance has been released. The public notice must be mailed to: 1) each residence, land owner, and business within one mile of the facility; 2) each residence, land owner, and business within an area that the released hazardous substances are located; 3) the city, county, and local health district; and 4) the Department of Ecology.

The public notice must include: 1) the common name and chemical abstract service registry number of the related chemical; 2) the address of the facility; 3) the date the release was discovered; 4) the cause of the release; 5) the remedial actions being take; 6) the potential health effects of the released substance; and, 7) contact information for the facility that released the chemical.

Certain releases are exempt from the public notice requirement. These releases include pesticide application, nonnegligent use of household substances, permitted discharges, de minimis discharges, oil from heating systems, spills on a public right-of-way or surface waters that have been reported to the U.S. Coast Guard, and releases into the air.

Appropriation: None.

Fiscal Note: Not Requested.

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