

Agriculture & Ecology Committee

HB 1824

Brief Description: Restricting disposal of hazardous substances.

Sponsors: Representatives Schual-Berke, G. Chandler, Linville, Lantz, Romero, McIntire, Dunshee, O'Brien, Veloria, Edwards, Poulsen, Keiser, McDermott and Miloscia.

Brief Summary of Bill

- *Includes special districts, port districts, and other legal entities in the definition of "person" as it is used in the Model Toxics Control Act.*
- *Prohibits the depositing of hazardous substances on real property that contains hazardous substances to a lesser quantity and degree.*

Hearing Date: 2/13/01

Staff: Jason Callahan (786-7117).

Background:

The Model Toxics Control Act (MTCA) was adopted through the initiative process in 1987 and primarily addresses historical releases of hazardous substances and their clean up. MTCA provides for the Department of Ecology (DOE) to promulgate rules addressing hazardous substances. These rules include the reporting of hazardous substances, the state response to hazardous substances spills, and remediation measures. MTCA also provides for an enforcement mechanism against those persons responsible for hazardous substance releases and assigns liability against those persons.

The Attorney General is authorized to bring an action against any person found liable for a hazardous substance release and that refuses to comply with a DOE-ordered remedial action. The liable person may be held responsible for up to three times the amount of any costs incurred by the state and a civil penalty of up to \$25,000. The Attorney General is also directed to seek reimbursement from the liable person for any expenses incurred by the state during the investigation of the released hazardous substance, and is authorized to seek

relief necessary to protect human health and the environment. The Attorney General may enter into a settlement with a potentially liable person, but only if the settlement results in a more expeditious cleanup.

Additional enforcement is provided to citizens of the state. Any person can commence a civil action to compel the DOE to perform any nondiscretionary duty under MTCA. The citizen must give DOE 30 days notice prior to the suit, and if the citizen prevails, he or she is entitled to attorneys' fees and costs.

A citizen is also entitled by MTCA to bring a civil action against any person found liable for releasing a hazardous substance. Recovery under this provision must be based on equitable factors, and be equivalent to DOE-conducted or directed remedial action.

Summary of Bill:

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Immediately.