
SUBSTITUTE SENATE BILL 5401

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Patterson and Finkbeiner; by request of Governor Locke)

READ FIRST TIME 02/12/01.

1 AN ACT Relating to the elimination of boards and commissions;
2 amending RCW 70.105D.030; reenacting and amending RCW 43.20A.360;
3 adding a new section to chapter 70.105D RCW; creating new sections;
4 repealing RCW 43.20A.370, 43.20A.375, 43.20A.380, 50.67.010, 50.67.020,
5 50.67.030, 77.70.030, and 77.70.270; providing an effective date; and
6 declaring an emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **PART 1**

9 **DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

10 **REGIONAL ADVISORY COMMITTEES**

11 **Sec. 101.** RCW 43.20A.360 and 1989 1st ex.s. c 9 s 214 and 1989 c
12 11 s 14 are each reenacted and amended to read as follows:

13 (1) The secretary is hereby authorized to appoint such advisory
14 committees or councils as may be required by any federal legislation as
15 a condition to the receipt of federal funds by the department. The
16 secretary may appoint statewide committees or councils in the following
17 subject areas: (a) Health facilities; (b) children and youth services;
18 (c) blind services; (d) medical and health care; (e) drug abuse and

1 alcoholism; (f) social services; (g) economic services; (h) vocational
2 services; (i) rehabilitative services; and on such other subject
3 matters as are or come within the department's responsibilities. ((The
4 secretary shall appoint committees or councils advisory to the
5 department in each service delivery region to be designated by the
6 secretary.)) The statewide ((and the regional)) councils shall have
7 representation from both major political parties and shall have
8 substantial consumer representation. Such committees or councils shall
9 be constituted as required by federal law or as the secretary in his or
10 her discretion may determine. The members of the committees or
11 councils shall hold office for three years except in the case of a
12 vacancy, in which event appointment shall be only for the remainder of
13 the unexpired term for which the vacancy occurs. No member shall serve
14 more than two consecutive terms.

15 (2) Members of such state advisory committees or councils may be
16 paid their travel expenses in accordance with RCW 43.03.050 and
17 43.03.060 as now existing or hereafter amended. ((Members of regional
18 advisory committees may, in the discretion of the secretary, be paid
19 the same travel expenses as set forth above.))

20 (3) The secretary, in consultation with affected constituent
21 groups, shall establish appropriate public involvement and outreach
22 mechanisms designed to ensure effective communication relating to the
23 programs, policies, and operations of the department, from both a
24 regional and statewide perspective.

25 **PART 2**

26 **DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

27 **STATE ADVISORY COMMITTEE**

28 NEW SECTION. **Sec. 201.** The following acts or parts of acts are
29 each repealed:

30 (1) RCW 43.20A.370 (State advisory committee to department--
31 Created--Membership--Terms--Vacancies) and 1988 c 49 s 1, 1984 c 259 s
32 2, & 1971 ex.s. c 189 s 13;

33 (2) RCW 43.20A.375 (State advisory committee to department--Powers
34 and duties) and 1999 c 372 s 6, 1988 c 49 s 2, 1984 c 259 s 3, & 1971
35 ex.s. c 189 s 14; and

36 (3) RCW 43.20A.380 (State advisory committee to department--Travel
37 expenses) and 1975-'76 2nd ex.s. c 34 s 99 & 1971 ex.s. c 189 s 15.

1 permanent solutions to the maximum extent practicable and shall provide
2 for or require adequate monitoring to ensure the effectiveness of the
3 remedial action;

4 (c) Indemnify contractors retained by the department for carrying
5 out investigations and remedial actions, but not for any contractor's
6 reckless or wilful misconduct;

7 (d) Carry out all state programs authorized under the federal
8 cleanup law and the federal resource, conservation, and recovery act,
9 42 U.S.C. Sec. 6901 et seq., as amended;

10 (e) Classify substances as hazardous substances for purposes of RCW
11 70.105D.020(7) and classify substances and products as hazardous
12 substances for purposes of RCW 82.21.020(1);

13 (f) Issue orders or enter into consent decrees or agreed orders
14 that include, or issue written opinions under (i) of this subsection
15 that may be conditioned upon, deed restrictions where necessary to
16 protect human health and the environment from a release or threatened
17 release of a hazardous substance from a facility. Prior to
18 establishing a deed restriction under this subsection, the department
19 shall notify and seek comment from a city or county department with
20 land use planning authority for real property subject to a deed
21 restriction;

22 (g) Enforce the application of permanent and effective
23 institutional controls that are necessary for a remedial action to be
24 protective of human health and the environment;

25 (h) Require holders to conduct remedial actions necessary to abate
26 an imminent or substantial endangerment pursuant to RCW
27 70.105D.020(12)(b)(ii)(C);

28 (i) Provide informal advice and assistance to persons regarding the
29 administrative and technical requirements of this chapter. This may
30 include site-specific advice to persons who are conducting or otherwise
31 interested in independent remedial actions. Any such advice or
32 assistance shall be advisory only, and shall not be binding on the
33 department. As a part of providing this advice and assistance for
34 independent remedial actions, the department may prepare written
35 opinions regarding whether the independent remedial actions or
36 proposals for those actions meet the substantive requirements of this
37 chapter or whether the department believes further remedial action is
38 necessary at the facility. The department may collect, from persons
39 requesting advice and assistance, the costs incurred by the department

1 in providing such advice and assistance; however, the department shall,
2 where appropriate, waive collection of costs in order to provide an
3 appropriate level of technical assistance in support of public
4 participation. The state, the department, and officers and employees
5 of the state are immune from all liability, and no cause of action of
6 any nature may arise from any act or omission in providing, or failing
7 to provide, informal advice and assistance; and

8 (j) Take any other actions necessary to carry out the provisions of
9 this chapter, including the power to adopt rules under chapter 34.05
10 RCW.

11 (2) The department shall immediately implement all provisions of
12 this chapter to the maximum extent practicable, including investigative
13 and remedial actions where appropriate. The department shall adopt,
14 and thereafter enforce, rules under chapter 34.05 RCW to:

15 (a) Provide for public participation, including at least (i) ~~((the~~
16 ~~establishment of regional citizen's advisory committees, (ii))~~ public
17 notice of the development of investigative plans or remedial plans for
18 releases or threatened releases ~~((7))~~ and ~~((iii))~~ (ii) concurrent
19 public notice of all compliance orders, agreed orders, enforcement
20 orders, or notices of violation;

21 (b) Establish a hazard ranking system for hazardous waste sites;

22 (c) Provide for requiring the reporting by an owner or operator of
23 releases of hazardous substances to the environment that may be a
24 threat to human health or the environment within ninety days of
25 discovery, including such exemptions from reporting as the department
26 deems appropriate, however this requirement shall not modify any
27 existing requirements provided for under other laws;

28 (d) Establish reasonable deadlines not to exceed ninety days for
29 initiating an investigation of a hazardous waste site after the
30 department receives notice or otherwise receives information that the
31 site may pose a threat to human health or the environment and other
32 reasonable deadlines for remedying releases or threatened releases at
33 the site;

34 (e) Publish and periodically update minimum cleanup standards for
35 remedial actions at least as stringent as the cleanup standards under
36 section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at
37 least as stringent as all applicable state and federal laws, including
38 health-based standards under state and federal law; and

1 (f) Apply industrial clean-up standards at industrial properties.
2 Rules adopted under this subsection shall ensure that industrial
3 properties cleaned up to industrial standards cannot be converted to
4 nonindustrial uses without approval from the department. The
5 department may require that a property cleaned up to industrial
6 standards is cleaned up to a more stringent applicable standard as a
7 condition of conversion to a nonindustrial use. Industrial clean-up
8 standards may not be applied to industrial properties where hazardous
9 substances remaining at the property after remedial action pose a
10 threat to human health or the environment in adjacent nonindustrial
11 areas.

12 (3) Before November 1st of each even-numbered year, the department
13 shall develop, with public notice and hearing, and submit to the ways
14 and means and appropriate standing environmental committees of the
15 senate and house of representatives a ranked list of projects and
16 expenditures recommended for appropriation from both the state and
17 local toxics control accounts. The department shall also provide the
18 legislature and the public each year with an accounting of the
19 department's activities supported by appropriations from the state
20 toxics control account, including a list of known hazardous waste sites
21 and their hazard rankings, actions taken and planned at each site, how
22 the department is meeting its top two management priorities under RCW
23 70.105.150, and all funds expended under this chapter.

24 (4) The department shall establish a scientific advisory board to
25 render advice to the department with respect to the hazard ranking
26 system, cleanup standards, remedial actions, deadlines for remedial
27 actions, monitoring, the classification of substances as hazardous
28 substances for purposes of RCW 70.105D.020(7) and the classification of
29 substances or products as hazardous substances for purposes of RCW
30 82.21.020(1). The board shall consist of five independent members to
31 serve staggered three-year terms. No members may be employees of the
32 department. Members shall be reimbursed for travel expenses as
33 provided in RCW 43.03.050 and 43.03.060.

34 (5) The department shall establish a program to identify potential
35 hazardous waste sites and to encourage persons to provide information
36 about hazardous waste sites.

37 NEW SECTION. **Sec. 402.** A new section is added to chapter 70.105D
38 RCW to read as follows:

1 In consultation with affected constituent groups, the director
2 shall establish appropriate public involvement and outreach mechanisms
3 designed to provide the department with effective public input on
4 programs and policies relating to the management and control of
5 hazardous substances.

6 **PART 5**

7 **SEA URCHIN AND SEA CUCUMBER ADVISORY REVIEW BOARD**
8 **COASTAL CRAB ADVISORY REVIEW BOARD**

9 NEW SECTION. **Sec. 501.** RCW 77.70.030 (Advisory review boards) and
10 2000 c 107 s 57, 1999 c 151 s 1601, & 1995 c 269 s 3101 are each
11 repealed.

12 **PART 6**

13 **OCEAN PINK SHRIMP ADVISORY REVIEW BOARD**

14 NEW SECTION. **Sec. 601.** RCW 77.70.270 (Ocean pink shrimp--Delivery
15 license--Reduction of landing requirement) and 2000 c 107 s 75 & 1993
16 c 376 s 10 are each repealed.

17 **PART 7**

18 **SHORELINES GUIDELINES COMMISSION**

19 NEW SECTION. **Sec. 701.** By July 1, 2001, the director of the
20 department of ecology shall abolish the shorelines guidelines
21 commission.

22 **PART 8**

23 **WETLANDS MITIGATION BANKING ADVISORY TEAM**

24 NEW SECTION. **Sec. 801.** By July 1, 2001, the director of the
25 department of ecology shall abolish the wetlands mitigation banking
26 advisory team.

27 **PART 9**

28 **THE COMMISSION ON LEGISLATIVE BUILDING**
29 **PRESERVATION AND RENOVATION**

