

**2SHB 1605** - H AMD 238

By Representative Upthegrove

ADOPTED 03/11/2005

1       Strike everything after the enacting clause and insert the  
2 following:

3       "NEW SECTION. **Sec. 1.** The definitions in this section apply  
4 throughout this chapter unless the context clearly requires otherwise.

5       (1) "Area-wide soil contamination" means low to moderate arsenic  
6 and lead soil contamination dispersed over a large geographic area.

7       (2) "Child care facility" means a child day-care center or a family  
8 day-care provider as those terms are defined under RCW 74.15.020 except  
9 for family day-care providers on properties in agricultural areas.

10       (3) "Child use prioritization area" means an area west of the crest  
11 of the Cascade mountains, except for agricultural lands, in which the  
12 department has determined a potential exists for a child to be  
13 routinely exposed to area-wide soil contamination.

14       (4) "Department" means the department of ecology.

15       (5) "Director" means the director of the department of ecology.

16       (6) "Low to moderate soil contamination" means low level arsenic or  
17 lead concentrations where a child's exposure to soil contamination at  
18 a school or a child care facility may be reduced through best  
19 management practices.

20       (7) "Property-specific public health plan" means measures developed  
21 by the department for a school or a child care facility including  
22 individual protective measures, site-specific mitigation, and other  
23 remedial actions to protect public health on sites containing area-wide  
24 soil contamination.

25       (8) "School" means a public or private kindergarten, elementary, or  
26 secondary school.

27       NEW SECTION. **Sec. 2.** (1) The department, in cooperation with the  
28 department of social and health services, the department of health, the  
29 office of the superintendent of public instruction, and local health

1 districts, shall assist schools and child care facilities within child  
2 use prioritization areas to reduce the potential for children's  
3 exposure to area-wide soil contamination.

4 (2) The department shall:

5 (a) Define child use prioritization areas west of the crest of the  
6 Cascade mountains based on available information;

7 (b) Conduct qualitative evaluations to determine the potential for  
8 children's exposure to area-wide soil contamination by December 31,  
9 2006;

10 (c) If the qualitative evaluation determines that children may be  
11 routinely exposed to area-wide soil contamination at a property,  
12 conduct soil samples at that property by December 31, 2008; and

13 (d) If soil sample results confirm the presence of area-wide soil  
14 contamination, notify schools and child care facilities regarding the  
15 test results and the steps necessary for implementing a property-  
16 specific public health plan.

17 (3) If a school or a child care facility with area-wide soil  
18 contamination does not implement a property-specific public health plan  
19 within six months of receiving written notification from the  
20 department, the superintendent or board of directors of a school or the  
21 owner or operator of a child care facility must notify parents and  
22 guardians in writing of the results of soil tests. The written notice  
23 shall be prepared by the department.

24 (4) The department shall recognize schools and child care  
25 facilities that successfully implement property-specific public health  
26 plans with a voluntary certification program demonstrating the facility  
27 has successfully completed measures to help provide a healthy  
28 environment for children.

29 (5) Schools and child care facilities must work with the department  
30 to provide the department with site access for soil sampling at times  
31 that are the most convenient for all parties.

32 NEW SECTION. **Sec. 3.** (1) The department shall assist schools and  
33 owners and operators of child care facilities in area-wide soil  
34 contamination zones. Such assistance may include the following:

35 (a) Technical assistance in conducting qualitative evaluations to  
36 determine where area-wide soil contamination exposures could occur;

1 (b) Technical and financial assistance in testing soils where  
2 evaluations indicate potential for contamination; and

3 (c) Technical and financial assistance to implement property-  
4 specific public health plans.

5 (2) The department shall develop best management practice  
6 guidelines for schools and day care facilities with area-wide soil  
7 contamination. The guidelines shall recommend a range of methods for  
8 reducing exposure to contaminated soil, considering the concentration,  
9 extent, and location of contamination and the nature and frequency of  
10 child use of the area.

11 (3) The department shall develop a grant program to assist schools  
12 and child care facilities with implementing property-specific public  
13 health plans.

14 (4) The department, within available funds, may provide grants to  
15 schools and child care facilities for the purpose of implementing  
16 property-specific public health plans using best management practices.

17 (5) The department, within available funds, may provide financial  
18 assistance to the department of health and the department of social and  
19 health services to implement this chapter.

20 (6) The department may, through an interagency agreement, authorize  
21 a local health jurisdiction to administer any activity in this chapter  
22 that is otherwise not assigned to a local health jurisdiction by this  
23 chapter.

24 NEW SECTION. **Sec. 4.** The department of health shall assist the  
25 department in developing and implementing the area-wide soil  
26 contamination school and child care facility program including but not  
27 limited to developing best management practices and guidelines for  
28 property-specific public health plans.

29 NEW SECTION. **Sec. 5.** The department of social and health services  
30 shall assist the department by providing information on the location of  
31 child care facilities and contacts for these facilities.

32 NEW SECTION. **Sec. 6.** This chapter does not apply to agricultural  
33 lands.

1        NEW SECTION.    **Sec. 7.**    Sections 1 through 6 of this act constitute  
2 a new chapter in Title 70 RCW.

3        NEW SECTION.    **Sec. 8.**    If specific funding for the purposes of this  
4 act, referencing this act by bill or chapter number, is not provided by  
5 June 30, 2005, in the omnibus appropriations act, this act is null and  
6 void."

7        Correct the title.

EFFECT:        Limits the scope of the area-wide soil contamination program to areas west of the crest of the Cascade mountains. Exempts family day-care providers in agricultural areas from the area-wide soil program, and specifies that the program does not apply to agricultural lands. Adds a requirement that schools and child care facilities provide written notice to parents and guardians within six months of receiving written notification from the Department of Ecology regarding soil tests if cleanup measures have not been implemented.

--- END ---