

SB 5449-S - DIGEST

(DIGEST AS ENACTED)

Declares that it is in the public interest for the department to recover remedial action costs incurred in discharging its responsibility under this chapter, as these recovered funds can then be applied to the cleanup of other facilities. Thus, in addition to other cost-recovery mechanisms provided under chapter 70.105D RCW, this act is intended to facilitate the recovery of state funds spent on remedial actions by providing the department with lien authority. This will also prevent a facility owner or mortgagee from gaining a financial windfall from increased land value resulting from department-conducted remedial actions at the expense of the state taxpayers.

Provides that, if the state of Washington incurs remedial action costs relating to a remedial action of real property, and those remedial action costs are unrecovered by the state of Washington, the department may file a lien against that real property.

Declares that liens filed under this act shall have priority in rank over all other privileges, liens, encumbrances, or other security interests affecting the real property, whenever incurred, filed, or recorded, except for the following liens: (1) Local and special district property tax assessments; and

(2) Mortgage liens.