

FINAL BILL REPORT

SHB 1761

C 446 L 07

Synopsis as Enacted

Brief Description: Regarding cleanup of hazardous waste.

Sponsors: By House Committee on Capital Budget (originally sponsored by Representatives Linville, Hunter, Priest, Hunt, B. Sullivan, Upthegrove, Kessler, Sump, Hankins, Jarrett, Fromhold, Appleton, Rolfes, Darneille, Campbell, Conway, Green, O'Brien, Schual-Berke, Simpson, Ormsby and Chase).

House Select Committee on Environmental Health

House Committee on Capital Budget

Senate Committee on Water, Energy & Telecommunications

Senate Committee on Ways & Means

Background:

In 1988 the citizens of Washington created by initiative the Model Toxics Control Act (MTCA). The primary purpose of the MTCA is to raise sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state's land and waters.

The MTCA includes a tax on the wholesale value of hazardous substances. There are over 8,000 different substances, including petroleum products, pesticides and certain chemicals. Of the total tax receipts, 47.1 percent is allocated to the State Toxics Control Account (STCA) for cleanup of hazardous waste sites and related planning and regulation activities. The remaining 52.9 percent of the revenues go to the Local Toxics Control Account (LTCA) for use as grants or loans to local governments for hazardous and solid waste programs and for cleanup of hazardous waste sites.

Summary:

The Department of Ecology (DOE) is required to prioritize sufficient funding to clean up hazardous waste sites and prevent the creation of future hazards due to improper disposal of toxic wastes. The DOE must develop a comprehensive 10-year financing report that identifies long-term remedial action project costs, tracks expenses, and projects future needs.

The DOE must create financing tools to clean up large-scale hazardous waste sites requiring multiyear commitments. Before December 20 of each even-numbered year, the DOE must:

- develop a 10-year financing report in coordination with all local governments with clean-up responsibilities that identifies the projected biennial hazardous waste site remedial action needs that are eligible for funding from the LTCA;
- work with local governments to develop working capital reserves to be incorporated in the 10-year financing report;

- identify the projected remedial action needs for orphaned, abandoned, and other clean-up sites that are eligible for funding from the STCA;
- project the remedial action need, cost, revenue, and any recommended working capital reserve estimate to the next biennium's long-term remedial action needs from both the LTCA and the STCA;
- submit this information to the appropriate standing fiscal and environmental committees of the Senate and House of Representatives (submittal must also include a ranked list of remedial action projects for both accounts); and
- provide the Legislature and the public each year with an accounting of the DOE's activities supported by appropriations from LTCA and the STCA, including a list of:
 - (1) known hazardous waste sites and their hazard rankings;
 - (2) actions taken and planned at each site;
 - (3) how the DOE is meeting its waste management priorities; and
 - (4) all funds expended.

To expedite cleanups throughout the state, the DOE must partner with local communities and liable parties for cleanups. The DOE is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

- the Director of the DOE may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:
 - (1) funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;
 - (2) funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or
 - (3) funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property that would not otherwise occur;
- the use of outside contracts to conduct necessary studies; and
- the purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

Votes on Final Passage:

House	95	0	
Senate	48	0	(Senate amended)
House	93	0	(House concurred)

Effective: July 22, 2007