

# SENATE BILL REPORT

## SHB 1039

---

---

As Reported By Senate Committee On:  
Water, Energy & Telecommunications, March 21, 2007

**Title:** An act relating to allowing the department of ecology to issue written opinions for a portion of a facility under the model toxics control act.

**Brief Description:** Allowing the department of ecology to issue opinions for a portion of a facility under the model toxics control act.

**Sponsors:** House Committee on Select Committee on Environmental Health (originally sponsored by Representatives B. Sullivan, Kenney and Chase).

**Brief History:** Passed House: 1/29/07, 97-0.

**Committee Activity:** Water, Energy & Telecommunications: 3/20/07, 3/21/07 [DP].

---

### SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

**Majority Report:** Do pass.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Fraser, Holmquist, Marr, Morton, Oemig, Pridemore and Regala.

**Staff:** Sam Thompson (786-7413)

**Background:** The Department of Ecology (DOE) administers the Model Toxics Control Act (MTCA), which governs cleanup of toxic waste sites. DOE may provide owners of contaminated land with a written opinion as to whether existing or proposed cleanup work ("remedial action") meets MTCA requirements or whether further action is required. In some cases, DOE may issue a "No Further Action" (NFA) opinion indicating that further remedial action is not necessary. Redevelopment efforts sometimes depend upon DOE issuance of an NFA opinion.

DOE's written opinions apply to "facilities," sites where hazardous substances are located. A facility may consist of one or more parcels, some with different owners. DOE does not issue NFA opinions for portions of facilities if the entire facility would not qualify for an NFA opinion.

**Summary of Substitute Bill:** The MTCA may not be construed to preclude DOE from issuing a written opinion on whether further remedial action is necessary on any portion of property located within a facility, even if further remedial action is still necessary elsewhere at the same facility. However, such an opinion must also provide an opinion on the status of the facility as a whole.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill enables a landowner who participates in cleanup efforts for a portion of a facility to receive an NFA opinion from DOE, thus enabling that portion to be put back into productive use.

**Persons Testifying:** PRO: Mark Wolken, property owner.