
SUBSTITUTE SENATE BILL 5829

State of Washington

64th Legislature

2015 Regular Session

By Senate Energy, Environment & Telecommunications (originally sponsored by Senator Ericksen)

READ FIRST TIME 02/13/15.

1 AN ACT Relating to conducting remedial actions under the model
2 toxics control act; and amending RCW 70.105D.090.

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

4 **Sec. 1.** RCW 70.105D.090 and 2003 c 39 s 30 are each amended to
5 read as follows:

6 (1) A person conducting a remedial action at a facility under a
7 consent decree, order, or agreed order, and the department when it
8 conducts a remedial action, are exempt from the procedural
9 requirements of chapters 70.94, 70.95, 70.105, 77.55, 90.48, and
10 90.58 RCW, and the procedural requirements of any laws requiring or
11 authorizing local government permits or approvals for the remedial
12 action. The department shall ensure compliance with the substantive
13 provisions of chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58
14 RCW, and the substantive provisions of any laws requiring or
15 authorizing local government permits ((~~or~~)) or approvals. The
16 department shall establish procedures for ensuring that such remedial
17 actions comply with the substantive requirements adopted pursuant to
18 such laws, and shall consult with the state agencies and local
19 governments charged with implementing these laws. The procedures
20 shall provide an opportunity for comment by the public and by the
21 state agencies and local governments that would otherwise implement

1 the laws referenced in this section. Nothing in this section is
2 intended to prohibit implementing agencies from charging a fee to the
3 person conducting the remedial action to defray the costs of services
4 rendered relating to the substantive requirements for the remedial
5 action.

6 (2) An exemption in this section or in RCW 70.94.335, 70.95.270,
7 70.105.116, (~~77.55.030~~) 77.55.061, 90.48.039, and 90.58.355 shall
8 not apply if the department determines that the exemption would
9 result in loss of approval from a federal agency necessary for the
10 state to administer any federal law, including the federal resource
11 conservation and recovery act, the federal clean water act, the
12 federal clean air act, and the federal coastal zone management act.
13 Such a determination by the department shall not affect the
14 applicability of the exemptions to other statutes specified in this
15 section.

16 (3) In the event that a remedial action or any permit, approval,
17 certification, or other authorization obtained for a remedial action
18 is appealed or challenged, the department shall ensure, to the
19 greatest extent practicable, that any aspect of the remedial action
20 not affected by the appeal or challenge may proceed on schedule while
21 the appeal or challenge is pending. This subsection applies only to
22 remedial actions conducted by the department or by a person under
23 consent decree, order, or agreed order. Nothing in this subsection
24 creates any right of appeal not conferred by other existing law or
25 that is in conflict with RCW 70.105D.060.

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