

SENATE BILL REPORT

SB 5895

As Passed Senate, February 10, 2022

Title: An act relating to timing restrictions for remedial action grants to local government.

Brief Description: Concerning timing restrictions for remedial action grants to local government.

Sponsors: Senators Frockt and Mullet.

Brief History:

Committee Activity: Environment, Energy & Technology: 2/01/22, 2/02/22 [DP, DNP].

Floor Activity: Passed Senate: 2/10/22, 49-0.

Brief Summary of Bill

- Removes a requirement for local governments to obtain all required permits within one year of the effective date of the budget to receive grants or loans for a remedial action.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: Do pass.

Signed by Senators Carlyle, Chair; Lovelett, Vice Chair; Das, Liias, Lovick, Nguyen, Sheldon, Stanford and Wellman.

Minority Report: Do not pass.

Signed by Senator Fortunato.

Staff: Ashley Trunnell (786-7278)

Background: Hazardous Waste. The Department of Ecology (Ecology) is the state agency responsible for the prevention and cleanup of toxic leaks and spills that threaten the health of people and the environment. Toxic and hazardous materials include arsenic, petroleum,

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dioxins, and other substances that contaminate soil and water.

Model Toxics Control Act. The Model Toxics Control Act (MTCA), enacted by voters in 1989, established Washington State's environmental cleanup law. MTCA funds and directs the investigation, cleanup, and prevention of sites that are contaminated by hazardous substances.

MTCA is funded through a tax on hazardous substances, cost-recovery from potentially liable persons, penalties under the MTCA law, and other funding authorized by the Legislature for cleanup projects. There are three MCTA accounts— the State Toxics Control Account, the Local Toxics Control Account, and the Environmental Stewardship Account.

Remedial Action Grants and Loans. Local governments can apply for a remedial action grant or loan to assist with the cleanup of hazardous waste sites supervised by Ecology or the U.S. Environmental Protection Agency under a legal order or decree. Every even-numbered year, Ecology consults with local governments to understand the ten year cost of critical cleanup projects in Washington. The estimates inform Ecology's biennial budget request to the Governor and Legislature.

Projects that are eligible to receive remedial action grants or loans include:

- interim actions;
- remedial investigations;
- feasibility studies and remedy selection;
- engineering design and remedy construction;
- operation and maintenance or monitoring of constructed remedy for up to one year; and
- landfill closures, if required as remedial actions.

Summary of Bill: The requirement that local governments must obtain all required permits for a remedial action within one year of the effective date of the budget to receive grants or loans for a remedial action is removed.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: Permit timelines are often uncertain, especially at the federal level, and do not align with current state funding requirements. Delays in receiving funding for remedial action can affect human and environmental

health. This program is critical for projects throughout the state and this change is needed to expedite funding for remedial action.

Persons Testifying: PRO: Senator David Frockt, Prime Sponsor; Barry Rogowski, Department of Ecology; Mike Hogan, Port of Bellingham; James Thompson, Washington Public Ports Association; Adam LeMieux, Port of Everett; Darcy Nonemacher; Mike Hogan, Port of Bellingham.

Persons Signed In To Testify But Not Testifying: No one.