
SENATE BILL 6079

State of Washington 53rd Legislature 1994 Regular Session

By Senators Talmadge, Deccio, Fraser, Winsley and Oke

Read first time 01/12/94. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to public notice of significant releases of
2 hazardous substances; adding new sections to chapter 70.105D RCW;
3 creating a new section; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.105D
6 RCW to read as follows:

7 (1) The owner of public or private nonresidential real property
8 upon which a release of a significant quantity of a hazardous substance
9 the owner has reason to believe has occurred shall place a notice in
10 the records of real property kept by the auditor of the county in which
11 the property is located. The notice shall: (a) Identify the property;
12 (b) identify the owner of the property and the person causing the
13 notice to appear; (c) state that a release of a hazardous substance
14 occurred on the property; and (d) state the date the release occurred.
15 The department shall maintain records that identify any remedial action
16 taken, including the hazardous substance or substances addressed by the
17 remedial action, that has been reported to or conducted or approved by
18 the department. Any person with an interest in the property, injured
19 by the failure of a property owner to comply with this section, may

1 recover damages for that injury by filing an action in superior court
2 for the county where the property is located.

3 (2) If the department has discovered the release of a significant
4 quantity of a hazardous substance following an inspection of the
5 facility, the department shall notify the owner of record of the
6 release and the requirements of this section.

7 (3) Before selling any right, title, or interest in real property,
8 whether public or private, the seller of the property shall provide a
9 written statement to the purchaser describing any release of a
10 significant quantity of a hazardous substance that the seller knows to
11 have occurred during the prior twenty years on the property to be sold.
12 Unless otherwise expressly agreed by seller and purchaser, any
13 purchaser injured by failure of a seller of real property to provide
14 the statement as required in this subsection may recover damages for
15 that injury by filing an action in superior court for the county in
16 which the property is located.

17 (4) The department shall determine by rule, consistent with the
18 purposes of this chapter, which releases are subject to the reporting
19 and notification requirements under this section. This rule shall
20 limit required notices and reporting under this section to those
21 releases that are of a magnitude that may cause a significant adverse
22 impact to human health or the environment.

23 (5) For purposes of this section, "owner" of public property means
24 the administrative head of the agency charged with management of the
25 property, and "seller" means the head of the agency responsible for the
26 sale of the property.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.105D
28 RCW to read as follows:

29 By September 1, 1994, the department shall have provided
30 information to the owners of nonresidential property contained on the
31 hazardous waste site list of the requirements of section 1 of this act.

32 NEW SECTION. **Sec. 3.** Section 1 of this act applies prospectively
33 only and not retroactively. It does not provide a cause of action
34 relating to any real property transaction occurring before the
35 effective date of section 1 of this act.

1 NEW SECTION. **Sec. 4.** Section 1 of this act shall take effect
2 January 1, 1995.

--- END ---