

FINAL BILL REPORT

ESHB 1810

C 359 L 95

Synopsis as Enacted

Brief Description: Changing the scope of cleanup standards for remedial actions under the model toxics control act.

Sponsors: House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Honeyford, Thompson and L. Thomas).

House Committee on Agriculture & Ecology
House Committee on Appropriations
Senate Committee on Ecology & Parks
Senate Committee on Ways & Means

Background: The Model Toxics Control Act (MTCA), adopted through the initiative process in 1987, does not establish specific hazardous waste cleanup standards. Instead, it directs the Department of Ecology (Ecology) to establish and periodically update cleanup standards, which must be "at least as stringent" as the cleanup standards under the federal Superfund law and all other "applicable" federal and state laws, including health-based standards.

In 1991, the department adopted rules establishing general cleanup standards and methods to establish cleanup standards for specific sites. In general, the rules provide three basic methods (A, B, and C) for determining the level of cleanup at a site.

Method A establishes specific numeric cleanup standards for 25 specific contaminants. This method is used for sites that have only a few types of contaminants, and then only for sites with contaminants for which standards have been set. Method B provides a standard method for determining cleanup levels for ground water, surface water, soil, and air that is based on a site specific risk assessment. The risk assessment uses a number of assumptions that are determined by the department. Examples of these assumptions include: how much contaminant could be ingested; toxicity of the contaminant, body weight of the person ingesting a contaminant, how much risk is acceptable, etc. Method C provides a "conditional" method involving site-specific risk assessment and is used when Methods A and B may be impossible to implement or may cause greater environmental harm. Method C is similar to Method B in that it allows a site specific risk assessment. Unlike method B, method C assumes that "acceptable risk" for cancer causing substances is one in 100,000. Method B uses an acceptable risk assumption of one in one million.

In 1991, Ecology adopted rules to establish soil cleanup standards for industrial sites. The rules allowed these industrial sites to use less stringent cleanup standards if institutional controls are used (i.e. keeping the land in industrial use, fences, etc.). The rules specified the standards could be used only at large industrial areas. Legislation enacted in 1994 broadened the scope of when the industrial soil cleanup standards could be used. The department is currently writing rules to implement this legislation.

Summary: A policy advisory committee is created to review the model toxics control act and the cleanup standards adopted by the Department of Ecology. The committee is to consist of: (1) four legislators; (2) the directors of the departments of Ecology and Health or their designees; (3) one member representing each of the following groups: the science advisory board, environmental industries, ports, cities, and counties; and (4) four members representing (small and large) businesses, and four members representing citizens and environmental organizations. The Department of Ecology is to select three additional members based on recommendations from the committee. The committee must submit a report to the Legislature identifying the priority issues it intends to address by December 15, 1995. By December 15, 1996, the committee must submit a final report to the Legislature. Provisions for reimbursing task force members are specified.

The policy advisory committee is directed to select two pilot projects to evaluate the effectiveness of the alternative cleanup standards. The sites chosen for the pilot project must meet certain requirements, including having multiple potentially responsible parties and community support. The potentially liable parties may submit their own risk analysis for inclusion in the department's cleanup study. The project managers from the department and the lead potentially liable party must submit interim and final reports on the progress of the pilot projects to the policy advisory committee.

Votes on Final Passage:

House	86	11	
Senate	47	0	(Senate amended)
House	92	2	(House concurred)

Effective: July 23, 1995