

# SENATE BILL REPORT

## SB 5181

---

---

As of February 2, 2009

**Title:** An act relating to the local toxics control account.

**Brief Description:** Regarding moneys deposited in the local toxics control account.

**Sponsors:** Senator Haugen.

**Brief History:**

**Committee Activity:** Environment, Water & Energy: 1/28/09.

---

### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Staff:** Jan Odano (786-7486)

**Background:** The Washington State Model Toxics Control Act (MTCA) is a comprehensive regulatory scheme to identify, investigate, and cleanup contaminated properties that are, or may be, a threat to human health or the environment. MTCA was approved by state voters as an initiative in 1988 and adopted by the Legislature in 1989. MTCA funds hazardous waste cleanup through a tax on the wholesale value of hazardous substances, such as petroleum products, pesticides, and certain chemicals.

The Model Toxics Control Account is divided into a state toxics control account and a local toxics control account. The state toxics control account provides funding to state agencies to cleanup contaminated sites, improve the management of hazardous wastes, and prevent future contamination from hazardous substances. The local toxics control account provides funding for toxics cleanup, hazardous waste and toxic reduction, solid waste and financial assistance, and spill prevention, preparedness, and response.

From this account, local governments may receive remedial action grants from the Department of Ecology (Ecology). Grants may be provided for cleanup sites that are under MTCA orders or decrees and for independent remedial actions. Cleanup sites under MTCA orders or decrees require formal oversight by Ecology and are usually complex, expensive, and many times have more than one responsible party. Independent remedial actions are studies and cleanups conducted with minimal oversight by Ecology and no public participation. This type of cleanup is usually less complex and lower risk than cleanups under an order or decree. Remedial action grants are provided to local governments on a first come, first served basis. The grants are used to supplement local government funding for

---

*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.*

remedial actions and are intended to hasten the cleanup of the contaminated sites and lessen the impact of cleanup costs on taxpayers.

**Summary of Bill:** Local governments involved in an independent remedial action of a contaminated site that request oversight or approval by Ecology are given priority consideration for grants or loans.

Local governments provided loans under this provision must attest that work on the site will begin within six months of receiving the grant or loan.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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: There is a cap on the amount of funding that can be provided through MTCA for sites that are being voluntarily cleaned up. It would be great to assist these sites with additional funding.

CON: This bill would significantly alter the current grant system for contaminated site cleanup by making lower priority independent cleanups a higher priority for funding than higher risk, more complicated sites.

**Persons Testifying:** PRO: Senator Haugen, prime sponsor; Pasty Martin, Port of Skagit County.

CON: Pete Kmet, Ecology.