

E2SHB 1605 - S COMM AMD

By Committee on Water, Energy & Environment

ADOPTED 04/07/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that state and local
4 agencies are currently implementing actions to reduce children's
5 exposure to soils that contain hazardous substances. The legislature
6 further finds that it is in the public interest to enhance those
7 efforts in western Washington in areas located within the central Puget
8 Sound smelter plume.

9 NEW SECTION. **Sec. 2.** The definitions in this section apply
10 throughout this chapter unless the context clearly requires otherwise.

11 (1) "Area-wide soil contamination" means low to moderate arsenic
12 and lead soil contamination dispersed over a large geographic area.

13 (2) "Child care facility" means a child day-care center or a family
14 day-care provider as those terms are defined under RCW 74.15.020.

15 (3) "Department" means the department of ecology.

16 (4) "Director" means the director of the department of ecology.

17 (5) "Low to moderate soil contamination" means low level arsenic or
18 lead concentrations where a child's exposure to soil contamination at
19 a school or a child care facility may be reduced through best
20 management practices.

21 (6) "School" means a public or private kindergarten, elementary, or
22 secondary school.

23 NEW SECTION. **Sec. 3.** (1) The department, in cooperation with the
24 department of social and health services, the department of health, the
25 office of the superintendent of public instruction, and local health
26 districts, shall assist schools and child care facilities west of the
27 crest of the Cascade mountains to reduce the potential for children's
28 exposure to area-wide soil contamination.

1 (2) The department shall:

2 (a) Identify schools and child care facilities that are located
3 within the central Puget Sound smelter plume based on available
4 information;

5 (b) Conduct qualitative evaluations to determine the potential for
6 children's exposure to area-wide soil contamination;

7 (c) If the qualitative evaluation determines that children may be
8 routinely exposed to area-wide soil contamination at a property,
9 conduct soil samples at that property by December 31, 2009; and

10 (d) If soil sample results confirm the presence of area-wide soil
11 contamination, notify schools and child care facilities regarding the
12 test results and the steps necessary for implementing best management
13 practices.

14 (3) If a school or a child care facility with area-wide soil
15 contamination does not implement best management practices within six
16 months of receiving written notification from the department, the
17 superintendent or board of directors of a school or the owner or
18 operator of a child care facility must notify parents and guardians in
19 writing of the results of soil tests. The written notice shall be
20 prepared by the department.

21 (4) The department shall recognize schools and child care
22 facilities that successfully implement best management practices with
23 a voluntary certification letter confirming that the facility has
24 successfully implemented best management practices.

25 (5) Schools and child care facilities must work with the department
26 to provide the department with site access for soil sampling at times
27 that are the most convenient for all parties.

28 NEW SECTION. Sec. 4. (1) The department shall assist schools and
29 owners and operators of child care facilities located within the
30 central Puget Sound smelter plume. Such assistance may include the
31 following:

32 (a) Technical assistance in conducting qualitative evaluations to
33 determine where area-wide soil contamination exposures could occur;

34 (b) Technical and financial assistance in testing soils where
35 evaluations indicate potential for contamination; and

36 (c) Technical and financial assistance to implement best management
37 practices.

1 (2) The department shall develop best management practice
2 guidelines for schools and day care facilities with area-wide soil
3 contamination. The guidelines shall recommend a range of methods for
4 reducing exposure to contaminated soil, considering the concentration,
5 extent, and location of contamination and the nature and frequency of
6 child use of the area.

7 (3) The department shall develop a grant program to assist schools
8 and child care facilities with implementing best management practices.

9 (4) The department, within available funds, may provide grants to
10 schools and child care facilities for the purpose of implementing best
11 management practices.

12 (5) The department, within available funds, may provide financial
13 assistance to the department of health and the department of social and
14 health services to implement this chapter.

15 (6) The department may, through an interagency agreement, authorize
16 a local health jurisdiction to administer any activity in this chapter
17 that is otherwise not assigned to a local health jurisdiction by this
18 chapter.

19 (7) The department shall evaluate actions to reduce child exposure
20 to contaminated soils and submit progress reports to the governor and
21 to the appropriate committees of the legislature by December 31, 2006,
22 and December 31, 2008.

23 NEW SECTION. **Sec. 5.** The department of health shall assist the
24 department in implementing this chapter, including but not limited to
25 developing best management practices and guidelines.

26 NEW SECTION. **Sec. 6.** The department of social and health services
27 shall assist the department by providing information on the location of
28 child care facilities and contacts for these facilities.

29 NEW SECTION. **Sec. 7.** This chapter does not apply to land devoted
30 primarily to the commercial production of livestock or agricultural
31 commodities.

32 NEW SECTION. **Sec. 8.** Nothing in this chapter is intended to
33 change ongoing actions or the authority of the department or other

1 agencies to require actions to address soil contamination under
2 existing laws.

3 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
4 a new chapter in Title 70 RCW.

5 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
6 this act, referencing this act by bill or chapter number, is not
7 provided by June 30, 2005, in the omnibus appropriations act, this act
8 is null and void."

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9 On page 1, line 2 of the title, after "contamination;" strike the
10 remainder of the title and insert "adding a new chapter to Title 70
11 RCW; and creating a new section."

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