

**SENATE BILL REPORT**

**SB 6459**

**AS REPORTED BY COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES,  
FEBRUARY 6, 1992**

**Brief Description:** Creating a special committee on government storm water pollution and liability.

**SPONSORS:** Senators Metcalf, Anderson and Conner

**SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES**

**Majority Report:** That Substitute Senate Bill No. 6459 be substituted therefor, and the substitute bill do pass.

Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, and Sutherland.

**Staff:** Gary Wilburn (786-7453)

**Hearing Dates:** February 6, 1992

**BACKGROUND:**

The discharge of pollutants from point and nonpoint sources in rivers and streams contributes to higher pollutant loadings in sediments which are deposited at the mouths of these systems where their currents decrease. Particularly in heavily urbanized areas nonpoint sources of water pollution such as stormwater runoff contains high levels of heavy metals and other pollutants which, if found in sufficient concentration, are considered hazardous. Sediments near outfalls from certain stormwater conveyance systems such as those associated with roads, typically exhibit high levels of pollutants.

Pursuant to the Puget Sound Water Quality Management Plan the Department of Ecology has adopted sediment standards which define hazardous pollutant levels and outline cleanup standards for polluted sediments. Under state hazardous waste cleanup laws the owner of real property at which hazardous substances have been released to the environment may be found strictly liable for the entire costs of cleanup. An exception is provided to such liability where the owner had no reason to know of the contamination at the time the property was purchased, applying good commercial practices customary at the time of the purchase.

**SUMMARY:**

The special committee on government storm water pollution and liability is created. It is composed of eight legislative members, and representatives of local government, state agencies, environmental groups, and bottomland owners. The committee is to investigate and make recommendations on the equitable assessment of pollution liability for stormwater

runoff from government facilities, the prevention of such pollution, liability for natural resources damages, and methods of state funding of cleanup of sediment pollution.

The committee's findings are to be reported to the appropriate legislative standing committees by December 31, 1992.

**EFFECT OF PROPOSED SUBSTITUTE:**

The committee terminates January 1, 1993. The bill is contingent on funding in the Omnibus Supplemental Appropriations Act.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested February 3, 1992

**TESTIMONY FOR:**

Innocent owners of land where sediments have been polluted by up gradient government facilities need relief from cleanup liability, and this issue should be comprehensively reviewed.

**TESTIMONY AGAINST:**

State hazardous waste cleanup laws are not the source of unfair cleanup liability.

**TESTIFIED:** Bruce Wishart; Randy Ray, Shipyard Env. Coalition; Doc Church, Marco Shipyards; George Tyler