
SENATE BILL 5055

State of Washington

52nd Legislature

1991 Regular Session

By Senators Rasmussen and Amondson.

Read first time January 17, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to hazardous waste recordings; adding a new section
2 to chapter 70.105D RCW; and adding a new section to chapter 90.76 RCW.

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

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

6 (1) The owner of public or private nonresidential real property
7 upon which a release of a significant quantity of a hazardous substance
8 has been found by the department to have occurred shall place a notice
9 in the records of real property kept by the auditor of the county in
10 which the property is located. The notice shall: (a) Identify the
11 property; (b) identify the owner of the property and the person causing
12 the notice to appear; (c) state that a release of a hazardous substance
13 occurred on the property; (d) state the date the release occurred; and
14 (e) direct further inquiries to the department. The department shall
15 maintain records that identify the remedial action taken and the

1 hazardous substance or substances released for each remedial action
2 that has been conducted or approved by the department. Any person with
3 an interest in the property, injured by the failure of a property owner
4 to comply with this section, may recover damages for that injury by
5 filing an action in superior court for the county in which the release
6 occurred.

7 (2) Where the department has discovered the release of a
8 significant quantity of a hazardous substance following an inspection
9 of the facility, the department shall place a notice having the
10 contents of the notice referred to in subsection (1) of this section in
11 the records of real property kept by the auditor of the county in which
12 the property is located.

13 (3) A certification of completion shall be issued and promptly
14 filed by the department with the records of real property kept by the
15 auditor of the county in which the property is located and shall
16 identify the property, the owner of the property, the date of issuance
17 of the certificate, and the date the release occurred.

18 (4) Before selling any right, title, or interest in real property,
19 whether public or private, the seller of the property shall provide a
20 written statement to the purchaser describing any release of a
21 significant quantity of a hazardous substance that the seller knows to
22 have occurred during the prior twenty years on the property to be sold.
23 Unless otherwise expressly agreed by seller and purchaser, a purchaser
24 injured by failure of a seller of real property to provide the
25 statement as required in this subsection may recover damages for that
26 injury by filing an action in superior court for the county in which
27 the property is located.

28 (5) The department shall determine by rule, consistent with the
29 purposes of this chapter, which releases are subject to the reporting
30 and notification requirements under subsections (1), (2), and (4) of

1 this section. This rule shall limit required reporting under this
2 section to those releases that are of a magnitude that would cause a
3 significant adverse impact to human health or the environment.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.76 RCW
5 to read as follows:

6 A certificate of completion shall be issued and promptly filed by
7 the department, in accordance with section 1(3) of this act, whenever
8 an underground storage tank containing petroleum or other regulated
9 substances is cleaned or removed.