

SENATE BILL 5094

State of Washington 52nd Legislature 1991 Regular Session

By Senators Talmadge, Metcalf, Stratton and A. Smith.

Read first time January 18, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to public notice of significant releases of
2 hazardous substances; and adding a new section to chapter 70.105D 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
12 causing the notice to appear; (c) state that a release of a hazardous
13 substance occurred on the property; (d) state the date the release
14 occurred; and (e) direct further inquiries to the department. The
15 department shall maintain records that identify the remedial action

1 taken and the hazardous substance or substances released for each
2 remedial action that has been conducted or approved by the department.
3 Any person with an interest in the property, injured by the failure of
4 a property owner to comply with this section, may recover damages for
5 that injury by filing an action in superior court for the county in
6 which the release 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) Before selling any right, title, or interest in real property,
14 whether public or private, the seller of the property shall provide a
15 written statement to the purchaser describing any release of a
16 significant quantity of a hazardous substance that the seller knows to
17 have occurred during the prior twenty years on the property to be sold.
18 Unless otherwise expressly agreed by seller and purchaser, any
19 purchaser injured by failure of a seller of real property to provide
20 the statement as required in this subsection may recover damages for
21 that injury by filing an action in superior court for the county in
22 which the property is located.

23 (4) The department shall determine by rule, consistent with the
24 purposes of this chapter, which releases are subject to the reporting
25 and notification requirements under subsections (1), (2), and (3) of
26 this section. This rule shall limit required reporting under this
27 section to those releases that are of a magnitude that would cause a
28 significant adverse impact to human health or the environment.