

2 **2SHB 2616** - S COMM AMD
3 By Committee on Ecology & Parks

4 ADOPTED 3/4/94

5 On page 6, after line 26, insert the following:

6 "Sec. 6. RCW 70.105D.020 and 1989 c 2 s 2 are each amended to read
7 as follows:

8 (1) "Department" means the department of ecology.

9 (2) "Director" means the director of ecology or the director's
10 designee.

11 (3) "Facility" means (a) any building, structure, installation,
12 equipment, pipe or pipeline (including any pipe into a sewer or
13 publicly owned treatment works), well, pit, pond, lagoon, impoundment,
14 ditch, landfill, storage container, motor vehicle, rolling stock,
15 vessel, or aircraft, or (b) any site or area where a hazardous
16 substance, other than a consumer product in consumer use, has been
17 deposited, stored, disposed of, or placed, or otherwise come to be
18 located.

19 (4) "Federal cleanup law" means the federal comprehensive
20 environmental response, compensation, and liability act of 1980, 42
21 U.S.C. Sec. 9601 et seq., as amended by Public Law 99-499.

22 (5) "Hazardous substance" means:

23 (a) Any dangerous or extremely hazardous waste as defined in RCW
24 70.105.010 (5) and (6), or any dangerous or extremely dangerous waste
25 designated by rule pursuant to chapter 70.105 RCW;

26 (b) Any hazardous substance as defined in RCW 70.105.010(14) or any
27 hazardous substance as defined by rule pursuant to chapter 70.105 RCW;

28 (c) Any substance that, on March 1, 1989, is a hazardous substance
29 under section 101(14) of the federal cleanup law, 42 U.S.C. Sec.
30 9601(14);

31 (d) Petroleum or petroleum products; and

32 (e) Any substance or category of substances, including solid waste
33 decomposition products, determined by the director by rule to present
34 a threat to human health or the environment if released into the
35 environment.

1 The term hazardous substance does not include any of the following
2 when contained in an underground storage tank from which there is not
3 a release: Crude oil or any fraction thereof or petroleum, if the tank
4 is in compliance with all applicable federal, state, and local law.

5 (6) "Owner or operator" means:

6 (a) Any person with any ownership interest in the facility or who
7 exercises any control over the facility; or

8 (b) In the case of an abandoned facility, any person who had owned,
9 or operated, or exercised control over the facility any time before its
10 abandonment;

11 The term does not include:

12 (i) An agency of the state or unit of local government which
13 acquired ownership or control involuntarily through bankruptcy, tax
14 delinquency, abandonment, or circumstances in which the government
15 involuntarily acquires title. This exclusion does not apply to an
16 agency of the state or unit of local government which has caused or
17 contributed to the release or threatened release of a hazardous
18 substance from the facility; or

19 (ii) A person who, without participating in the management of a
20 facility, holds indicia of ownership primarily to protect the person's
21 security interest in the facility.

22 (7) "Person" means an individual, firm, corporation, association,
23 partnership, consortium, joint venture, commercial entity, state
24 government agency, unit of local government, federal government agency,
25 or Indian tribe.

26 (8) "Potentially liable person" means any person whom the
27 department finds, based on credible evidence, to be liable under RCW
28 70.105D.040. The department shall give notice to any such person and
29 allow an opportunity for comment before making the finding, unless an
30 emergency requires otherwise.

31 (9) "Public notice" means, at a minimum, adequate notice mailed to
32 all persons who have made timely request of the department and to
33 persons residing in the potentially affected vicinity of the proposed
34 action; mailed to appropriate news media; published in the newspaper of
35 largest circulation in the city or county of the proposed action; and
36 opportunity for interested persons to comment.

37 (10) "Release" means any intentional or unintentional entry of any
38 hazardous substance into the environment, including but not limited to
39 the abandonment or disposal of containers of hazardous substances.

1 (11) "Remedy" or "remedial action" means any action or expenditure
2 consistent with the purposes of this chapter to identify, eliminate, or
3 minimize any threat or potential threat posed by hazardous substances
4 to human health or the environment including any investigative and
5 monitoring activities with respect to any release or threatened release
6 of a hazardous substance and any health assessments or health effects
7 studies conducted in order to determine the risk or potential risk to
8 human health. These terms also include the provision of drinking
9 water, including the construction of necessary delivery systems, when
10 undertaken to minimize any threat or potential threat to human health
11 posed by a facility at which a release of a hazardous substance has
12 occurred.

13 NEW SECTION. Sec. 7. A new section is added to chapter 70.105D
14 RCW to read as follows:

15 For the purpose of conducting a remedial action or requiring
16 potentially liable persons to take remedial action under this chapter,
17 and for the purpose of making grants for remedial actions from the
18 local toxics control account, the department shall give a high priority
19 to facilities where the release of hazardous substances has resulted in
20 the closing of drinking water wells or has contaminated a principal
21 drinking water supply, or a substantial threat exists that such a
22 closure or contamination may occur."

23 Renumber the remaining sections consecutively and correct internal
24 references accordingly.

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28 On page 1, line 2 of the title, strike "and 70.105D.070" and insert
29 ", 70.105D.070, and 70.105D.020"

30 On page 1, line 2 of the title, after "70.119A RCW;" insert "adding
31 a new section to chapter 70.105D RCW;"

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