

# FINAL BILL REPORT

## E2SHB 1605

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Synopsis as Enacted

**Brief Description:** Protecting children from area-wide soil contamination.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Upthegrove, Dickerson, Schual-Berke, Cody, McDermott, Hunter, B. Sullivan, Simpson, Morrell, Murray, Chase, Roberts, Kenney and Santos).

**House Committee on Natural Resources, Ecology & Parks**

**House Committee on Appropriations**

**Senate Committee on Water, Energy & Environment**

**Senate Committee on Ways & Means**

### **Background:**

The Legislature provided \$1,200,000 in the 2002 Operating Budget for the Department of Ecology (DOE), in conjunction with affected local governments, to address emergent area-wide soil contamination issues. The DOE chartered an Area-Wide Soil Contamination Task Force to offer advice about a statewide strategy to respond to low-to-moderate level arsenic and lead soil contamination. The Area-Wide Contamination Report published in June 30, 2003, contains findings and recommendations for the statewide strategy. The recommendations include actions property owners should take in child-use areas including schools and childcare facilities.

The DOE has appropriation authority in the 2003-05 Capital Budget from the Local Toxics Control Account (LTCA) for remedial actions, hazardous waste plans, and other purposes. From the LTCA, the DOE provides grants to local governments for a wide variety of cleanup projects including grants to address area-wide soil contamination.

The state Model Toxics Control Act (MTCA) requires sites contaminated with hazardous materials to be cleaned up by liable parties. The MTCA is administered by the DOE to ensure that the vast majority of sites at which hazardous substances have been released are cleaned up. The state cleanup standard for arsenic is 20 parts per million (PPM), and the state cleanup standard for lead is 250 PPM. Elevated levels of lead and arsenic are present in soils in Central Puget Sound from historical sources including air emissions from metal smelters and combustion of leaded gasoline.

### **Summary:**

The Department of Ecology (DOE), in cooperation with the Department of Health (DOH), the Department of Social and Health Services, the Office of the Superintendent of Public Instruction, and local health districts must assist schools and child care facilities within the

Central Puget Sound smelter plume to reduce the potential for children's exposure to area-wide soil contamination. The DOE must:

- identify schools and child care facilities that are located within the Central Puget Sound smelter plume based on available information;
- conduct qualitative assessments at schools and child care facilities within those areas to determine if the potential exists for children's exposure to area-wide soil contamination;
- if the evaluation determines that children may be routinely exposed to area-wide soil contamination, conduct soil sampling tests on those properties by December 31, 2009; and
- notify schools regarding test results and next steps for implementing a best management practices.

Schools and child care facilities must work with the DOE to provide site access for soil sampling. If a school or a child care facility with area-wide soil contamination does not implement best management practices within six months of receiving written notification from the DOE, the facility must notify parents or guardians in writing of the soil testing results. The DOE must recognize facilities that successfully implement cleanup plans with a voluntary certification letter.

The DOE is directed to assist schools and child care facilities by providing technical and financial assistance to conduct qualitative evaluations, soil testing, and implementation of best management practices. The DOE may enter into an interagency agreement with local health jurisdictions to implement the program. In addition, the DOE must establish a grant program to assist schools and child care facilities with implementing best management practices. The DOE and the DOH must also develop area-wide soil contamination best management practice guidelines for schools and day care facilities.

The area-wide soil contamination program does not apply to lands devoted primarily to agriculture.

**Votes on Final Passage:**

House	95	0	
Senate	49	0	(Senate amended)
House	94	1	(House concurred)

**Effective:** July 24, 2005