

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1605

Chapter 306, Laws of 2005

59th Legislature
2005 Regular Session

SOIL CONTAMINATION--CHILDREN'S EXPOSURE

EFFECTIVE DATE: 7/24/05

Passed by the House April 18, 2005
Yeas 94 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 7, 2005
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved May 6, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1605** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 6, 2005 - 3:28 p.m.

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1605

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington **59th Legislature** **2005 Regular Session**

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)

READ FIRST TIME 03/07/05.

1 AN ACT Relating to protecting children from area-wide soil
2 contamination; adding a new chapter to Title 70 RCW; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that state and local
6 agencies are currently implementing actions to reduce children's
7 exposure to soils that contain hazardous substances. The legislature
8 further finds that it is in the public interest to enhance those
9 efforts in western Washington in areas located within the central Puget
10 Sound smelter plume.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply
12 throughout this chapter unless the context clearly requires otherwise.

13 (1) "Area-wide soil contamination" means low to moderate arsenic
14 and lead soil contamination dispersed over a large geographic area.

15 (2) "Child care facility" means a child day-care center or a family
16 day-care provider as those terms are defined under RCW 74.15.020.

17 (3) "Department" means the department of ecology.

18 (4) "Director" means the director of the department of ecology.

1 (5) "Low to moderate soil contamination" means low level arsenic or
2 lead concentrations where a child's exposure to soil contamination at
3 a school or a child care facility may be reduced through best
4 management practices.

5 (6) "School" means a public or private kindergarten, elementary, or
6 secondary school.

7 NEW SECTION. **Sec. 3.** (1) The department, in cooperation with the
8 department of social and health services, the department of health, the
9 office of the superintendent of public instruction, and local health
10 districts, shall assist schools and child care facilities west of the
11 crest of the Cascade mountains to reduce the potential for children's
12 exposure to area-wide soil contamination.

13 (2) The department shall:

14 (a) Identify schools and child care facilities that are located
15 within the central Puget Sound smelter plume based on available
16 information;

17 (b) Conduct qualitative evaluations to determine the potential for
18 children's exposure to area-wide soil contamination;

19 (c) If the qualitative evaluation determines that children may be
20 routinely exposed to area-wide soil contamination at a property,
21 conduct soil samples at that property by December 31, 2009; and

22 (d) If soil sample results confirm the presence of area-wide soil
23 contamination, notify schools and child care facilities regarding the
24 test results and the steps necessary for implementing best management
25 practices.

26 (3) If a school or a child care facility with area-wide soil
27 contamination does not implement best management practices within six
28 months of receiving written notification from the department, the
29 superintendent or board of directors of a school or the owner or
30 operator of a child care facility must notify parents and guardians in
31 writing of the results of soil tests. The written notice shall be
32 prepared by the department.

33 (4) The department shall recognize schools and child care
34 facilities that successfully implement best management practices with
35 a voluntary certification letter confirming that the facility has
36 successfully implemented best management practices.

1 (5) Schools and child care facilities must work with the department
2 to provide the department with site access for soil sampling at times
3 that are the most convenient for all parties.

4 NEW SECTION. **Sec. 4.** (1) The department shall assist schools and
5 owners and operators of child care facilities located within the
6 central Puget Sound smelter plume. Such assistance may include the
7 following:

8 (a) Technical assistance in conducting qualitative evaluations to
9 determine where area-wide soil contamination exposures could occur;

10 (b) Technical and financial assistance in testing soils where
11 evaluations indicate potential for contamination; and

12 (c) Technical and financial assistance to implement best management
13 practices.

14 (2) The department shall develop best management practice
15 guidelines for schools and day care facilities with area-wide soil
16 contamination. The guidelines shall recommend a range of methods for
17 reducing exposure to contaminated soil, considering the concentration,
18 extent, and location of contamination and the nature and frequency of
19 child use of the area.

20 (3) The department shall develop a grant program to assist schools
21 and child care facilities with implementing best management practices.

22 (4) The department, within available funds, may provide grants to
23 schools and child care facilities for the purpose of implementing best
24 management practices.

25 (5) The department, within available funds, may provide financial
26 assistance to the department of health and the department of social and
27 health services to implement this chapter.

28 (6) The department may, through an interagency agreement, authorize
29 a local health jurisdiction to administer any activity in this chapter
30 that is otherwise not assigned to a local health jurisdiction by this
31 chapter.

32 (7) The department shall evaluate actions to reduce child exposure
33 to contaminated soils and submit progress reports to the governor and
34 to the appropriate committees of the legislature by December 31, 2006,
35 and December 31, 2008.

1 NEW SECTION. **Sec. 5.** The department of health shall assist the
2 department in implementing this chapter, including but not limited to
3 developing best management practices and guidelines.

4 NEW SECTION. **Sec. 6.** The department of social and health services
5 shall assist the department by providing information on the location of
6 child care facilities and contacts for these facilities.

7 NEW SECTION. **Sec. 7.** This chapter does not apply to land devoted
8 primarily to the commercial production of livestock or agricultural
9 commodities.

10 NEW SECTION. **Sec. 8.** Nothing in this chapter is intended to
11 change ongoing actions or the authority of the department or other
12 agencies to require actions to address soil contamination under
13 existing laws.

14 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
15 a new chapter in Title 70 RCW.

16 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
17 this act, referencing this act by bill or chapter number, is not
18 provided by June 30, 2005, in the omnibus appropriations act, this act
19 is null and void.

 Passed by the House April 18, 2005.
 Passed by the Senate April 7, 2005.
 Approved by the Governor May 6, 2005.
 Filed in Office of Secretary of State May 6, 2005.