

FINAL BILL REPORT

SB 6722

C 106 L 08

Synopsis as Enacted

Brief Description: Creating the cleanup settlement account.

Sponsors: Senators Regala, Delvin, Schoesler, Pridemore and Shin; by request of Department of Ecology.

Senate Committee on Ways & Means
House Committee on Appropriations

Background: The Model Toxics Control Act (MTCA) was approved by Washington voters as an initiative in 1988 to provide a regulatory structure, standards, and funding source to clean up contaminated properties and to prevent the creation of future hazardous waste sites. The MTCA created a tax on hazardous substances, primarily petroleum-based products. The tax is distributed into two accounts: the State Toxics Control Account and the Local Toxics Control Account.

The State Toxics Control Account receives funds from: (1) the hazardous substance tax; (2) the costs of remedial actions recovered by the DOE (DOE); (3) penalties collected or recovered; and (4) any other money appropriated or transferred by the Legislature. The funds are used for hazardous-waste cleanup; hazardous- and solid-waste planning, management, regulation, and enforcement; and financial assistance for local programs.

The MTCA requires potentially liable persons to assume responsibility for cleaning up contaminated sites. DOE oversees cleanup work performed by liable parties or conducts cleanups and recovers its costs for the work. In cases where a company does not have the financial means to pay the full cleanup costs, the DOE – working with the Attorney General's Office – can agree to a settlement in which the liable party contributes money for future cleanup work in exchange for settling its liability.

Summary: A new appropriated account, the Cleanup Settlement Account, is created in the State Treasury. The account will receive deposits from settlement agreements and court orders that direct payment to the state to resolve a company's liability or potential liability for polluting a specific site. The funds will be used to pay for state-conducted cleanup work at those sites, or to assess and address damage to natural resources caused by pollution at the sites.

The account will receive its proportionate share of interest earnings.

The DOE is directed to track money received, interest earned, and expenditures made for each site individually.

Votes on Final Passage:

Senate 49 0

House 96 0 (House amended)
Senate 46 0 (Senate concurred)

Effective: June 12, 2008
July 1, 2008 (Section 3)
July 1, 2009 (Section 4)