

REAL ESTATE



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Q | The soil on a property I own is contaminated by a hazardous substance, but a prior owner caused the contamination. Am I still responsible for the cost to clean up the contamination?

A | State and federal environmental statutes impose strict liability on owners of property where there was a release of hazardous substances. Strict liability means that the current owner is liable for cleanup costs regardless of who caused the contamination. With that said, the environmental statutes also create a private right of action for the current owner to bring a claim against the party that actually caused the contamination. But, if that party is unable to pay, the current owner is still responsible for funding the cleanup.