
House Bill 3031

State of Washington 60th Legislature 2008 Regular Session

By Representatives Simpson, Schindler, Upthegrove, and Schual-Berke

1 AN ACT Relating to port districts providing sewer and water
2 utilities to district property and other property owners; and amending
3 RCW 53.08.040.

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

5 **Sec. 1.** RCW 53.08.040 and 2007 c 348 s 103 are each amended to
6 read as follows:

7 (1) A district may improve its lands by dredging, filling,
8 bulkheading, providing waterways or otherwise developing such lands for
9 industrial and commercial purposes. A district may also acquire,
10 construct, install, improve, and operate sewer and water utilities to
11 serve its own property and other property owners under terms,
12 conditions, and rates to be fixed and approved by the port commission.
13 A district may also acquire, by purchase, construction, lease, or in
14 any other manner, and may maintain and operate other facilities for the
15 control or elimination of air, water, or other pollution, including,
16 but not limited to, facilities for the treatment and/or disposal of
17 industrial wastes, and may make such facilities available to others
18 under terms, conditions and rates to be fixed and approved by the port
19 commission. Such conditions and rates shall be sufficient to reimburse

1 the port for all costs, including reasonable amortization of capital
2 outlays caused by or incidental to providing such other pollution
3 control facilities. However, no part of such costs of providing any
4 pollution control facility to others shall be paid out of any tax
5 revenues of the port, and no port shall acquire, construct, install,
6 improve, and operate, or enter into an agreement or contract to
7 provide, sewer and/or water utilities or pollution control facilities
8 to serve its own property and other property owners if (a)
9 substantially similar utilities or facilities are available from
10 another source (or sources) which is able and willing to provide such
11 utilities or facilities on a reasonable and nondiscriminatory basis,
12 (b) the property to be served is located within an area in which the
13 water or sewer utility is planned to be made available under an
14 effective comprehensive plan of another county, city, town, water-sewer
15 district, or public utility district, or (c) the property to be served
16 is located within the present and future service area boundaries of
17 another public water system included in a coordinated water system
18 under chapter 70.116 RCW, unless such other source (or sources), public
19 agency, or public water system consents thereto.

20 (2) In the event that a port elects to make such other pollution
21 control facilities available to others, it shall do so by lease, lease
22 purchase agreement, or other agreement binding such user to pay for the
23 use of said facilities for the full term of the revenue bonds issued by
24 the port for the acquisition of said facilities, and said payments
25 shall at least fully reimburse the port for all principal and interest
26 paid by it on said bonds and for all operating or other costs, if any,
27 incurred by the port in connection with said facilities. However,
28 where there is more than one user of any such facilities, each user
29 shall be responsible for its pro rata share of such costs and payment
30 of principal and interest. Any port intending to provide pollution
31 control facilities to others shall first survey the port district to
32 ascertain the potential users of such facilities and the extent of
33 their needs. The port shall conduct a public hearing upon the proposal
34 and shall give each potential user an opportunity to participate in the
35 use of such facilities upon equal terms and conditions.

36 (3) "Pollution control facility," as used in this section and RCW

1 53.08.041, does not include air quality improvement equipment that
2 provides emission reductions for engines, vehicles, and vessels.

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