

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 6607**

60th Legislature  
2008 Regular Session

Passed by the Senate March 10, 2008  
YEAS 47 NAYS 0

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**President of the Senate**

Passed by the House March 5, 2008  
YEAS 96 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6607** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6607**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2008 Regular Session

**State of Washington                      60th Legislature                      2008 Regular Session**

**By** Senate Water, Energy & Telecommunications (originally sponsored by Senators Spanel, Haugen, and Rasmussen)

READ FIRST TIME 02/07/08.

1            AN ACT Relating to shellfish protection district wastewater  
2 discharge fees, rates, and charges; and amending RCW 90.72.030,  
3 90.72.045, and 90.72.070.

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

5            **Sec. 1.** RCW 90.72.030 and 2007 c 150 s 1 are each amended to read  
6 as follows:

7            The legislative authority of each county having shellfish tidelands  
8 within its boundaries is authorized to establish a shellfish protection  
9 district to include areas in which nonpoint pollution threatens the  
10 water quality upon which the continuation or restoration of shellfish  
11 farming or harvesting is dependent. The legislative authority shall  
12 constitute the governing body of the district and shall adopt a  
13 shellfish protection program with elements and activities to be  
14 effective within the district. The legislative authority may appoint  
15 a local advisory council to advise the legislative authority in  
16 preparation and implementation of shellfish protection programs. This  
17 program shall include any elements deemed appropriate to deal with the  
18 nonpoint pollution threatening water quality over shellfish tidelands,  
19 including, but not limited to, requiring the elimination or decrease of

1 contaminants in storm water runoff, establishing monitoring,  
2 inspection, and repair elements to ensure that on-site sewage systems  
3 are adequately maintained and working properly, assuring that animal  
4 grazing and manure management practices are consistent with best  
5 management practices, and establishing educational and public  
6 involvement programs to inform citizens on the causes of the  
7 threatening nonpoint pollution and what they can do to decrease the  
8 amount of such pollution. The county legislative authority shall  
9 consult with the department of health, the department of ecology, the  
10 department of agriculture, or the conservation commission as  
11 appropriate as to the elements of the program. An element may be  
12 omitted where another program is effectively addressing those sources  
13 of nonpoint water pollution. Within the limits of RCW 90.72.040 and  
14 90.72.070, the county legislative authority shall have full  
15 jurisdiction and authority to manage, regulate, and control its  
16 programs and to fix, alter, regulate, and control the fees for services  
17 provided and charges or rates as provided under those programs.  
18 Programs established under this chapter, may, but are not required to,  
19 be part of a system of sewerage as defined in RCW 36.94.010.

20 **Sec. 2.** RCW 90.72.045 and 2007 c 150 s 2 are each amended to read  
21 as follows:

22 The county legislative authority shall create a shellfish  
23 protection district and establish a shellfish protection program  
24 developed under RCW 90.72.030 or an equivalent program to address the  
25 causes or suspected causes of pollution within one hundred eighty days  
26 after the department of health, because of water quality degradation  
27 due to ongoing nonpoint sources of pollution has closed or downgraded  
28 the classification of a recreational or commercial shellfish growing  
29 area within the boundaries of the county. The county legislative  
30 authority shall initiate implementation of the shellfish protection  
31 program within sixty days after it is established.

32 A copy of the program must be provided to the departments of  
33 health, ecology, and agriculture. An agency that has regulatory  
34 authority for any of the sources of nonpoint pollution covered by the  
35 program shall cooperate with the county in its implementation. The  
36 county legislative authority shall submit a written report to the  
37 department of health annually that describes the status and progress of

1 the program. If rates or fees are collected under RCW 90.72.070 for  
2 implementation of the shellfish protection district program, the annual  
3 report shall provide sufficient detail of the expenditure of the  
4 revenue collected to ensure compliance with RCW 90.72.070.

5 **Sec. 3.** RCW 90.72.070 and 1992 c 100 s 6 are each amended to read  
6 as follows:

7 The county legislative authority establishing a shellfish  
8 protection district may finance the protection program through (1)  
9 county tax revenues, (2) reasonable inspection fees and similar fees  
10 for services provided, (3) reasonable charges or rates specified in its  
11 protection program, or (4) federal, state, or private grants.  
12 (~~Confined animal feeding operations subject to the national pollutant~~  
13 ~~discharge elimination system and implementing regulations shall not be~~  
14 ~~subject to fees, rates, or charges by a shellfish protection~~  
15 ~~district.)) A dairy animal feeding operation with a certified dairy  
16 nutrient management plan as required in chapter 90.64 RCW and any other  
17 commercial agricultural operation on agricultural lands as defined in  
18 RCW 36.70A.030 shall be subject to fees, rates, or charges by a  
19 shellfish protection district of no more than five hundred dollars in  
20 a calendar year. Facilities permitted and assessed fees for wastewater  
21 discharge under the national pollutant discharge elimination system  
22 shall not be subject to fees, rates, or charges for wastewater  
23 discharge by a shellfish protection district. Lands classified as  
24 forest land under chapter 84.33 RCW and timber land under chapter 84.34  
25 RCW shall not be subject to fees, rates, or charges by a shellfish  
26 protection district. Counties may collect charges or rates in the  
27 manner determined by the county legislative authority.~~

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