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ENGROSSED SUBSTITUTE HOUSE BILL 1837

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State of Washington

54th Legislature

1995 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler and Dellwo)

Read first time 03/01/95.

1 AN ACT Relating to water quality account distributions; amending  
2 RCW 70.146.020 and 70.146.075; reenacting and amending RCW 70.146.060;  
3 repealing RCW 70.146.080; and declaring an emergency.

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

5 **Sec. 1.** RCW 70.146.020 and 1993 sp.s. c 24 s 923 are each amended  
6 to read as follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9 (1) "Account" means the water quality account in the state  
10 treasury.

11 (2) "Department" means the department of ecology.

12 (3) "Eligible cost" means the cost of that portion of a water  
13 pollution control facility that can be financed under this chapter  
14 excluding any portion of a facility's cost attributable to capacity  
15 that is in excess of that reasonably required to address one hundred  
16 ten percent of the applicant's needs for water pollution control  
17 existing at the time application is submitted for assistance under this  
18 chapter.

1 (4) "Water pollution control facility" or "facilities" means any  
2 facilities or systems for the control, collection, storage, treatment,  
3 disposal, or recycling of wastewater, including but not limited to  
4 sanitary sewage, storm water, residential, commercial, industrial, and  
5 agricultural wastes, which are causing water quality degradation due to  
6 concentrations of conventional, nonconventional, or toxic pollutants.  
7 Water pollution control facilities include all equipment, utilities,  
8 structures, real property, and interests in and improvements on real  
9 property necessary for or incidental to such purpose. Water pollution  
10 control facilities also include such facilities, equipment, and  
11 collection systems as are necessary to protect federally designated  
12 sole source aquifers.

13 (5) ~~"Water pollution control activities" ((means actions taken by~~  
14 ~~a public body for the following purposes:—(a) To prevent or mitigate~~  
15 ~~pollution of underground water; (b) to control nonpoint sources of~~  
16 ~~water pollution; (c) to restore the water quality of fresh water lakes;~~  
17 ~~and (d) to maintain or improve water quality through the use of water~~  
18 ~~pollution control facilities or other means.— During the 1993–1995~~  
19 ~~fiscal biennium, "water pollution control activities" includes~~  
20 ~~activities by state agencies to protect public drinking water supplies~~  
21 ~~and sources)) or "activities" means actions taken by a public body to:~~  
22 (a) Prevent, mitigate, or control water pollution; or (b) restore  
23 ground and surface waters affected by water pollution.

24 (6) "Public body" means the state of Washington or any agency,  
25 county, city or town, conservation district, other political  
26 subdivision, municipal corporation, quasi-municipal corporation, and  
27 those Indian tribes now or hereafter recognized as such by the federal  
28 government.

29 (7) "Water pollution" means such contamination, or other alteration  
30 of the physical, chemical, or biological properties of any waters of  
31 the state, including change in temperature, taste, color, turbidity, or  
32 odor of the waters, or such discharge of any liquid, gaseous, solid,  
33 radioactive, or other substance into any waters of the state as will or  
34 is likely to create a nuisance or render such waters harmful,  
35 detrimental, or injurious to the public health, safety, or welfare, or  
36 to domestic, commercial, industrial, agricultural, recreational, or  
37 other legitimate beneficial uses, or to livestock, wild animals, birds,  
38 fish, or other aquatic life.

1 (8) "Nonpoint source water pollution" means pollution that enters  
2 any waters of the state from any dispersed water-based or land-use  
3 activities, including, but not limited to, atmospheric deposition,  
4 surface water runoff from agricultural lands, urban areas, and forest  
5 lands, subsurface or underground sources, and discharges from boats or  
6 other marine vessels.

7 (9) "Sole source aquifer" means the sole or principal source of  
8 public drinking water for an area designated by the administrator of  
9 the environmental protection agency pursuant to Public Law 93-523, Sec.  
10 1424(b).

11 (10) "Point source" means any discernible, confined, and discrete  
12 conveyance, including but not limited to any pipe, ditch, channel,  
13 tunnel, conduit, well, discrete fissure, container, rolling stock,  
14 concentrated animal feeding operation, or vessel or other floating  
15 craft, from which pollutants are discharged.

16 **Sec. 2.** RCW 70.146.060 and 1987 c 527 s 1 and 1987 c 436 s 7 are  
17 each reenacted and amended to read as follows:

18 (1) During the period from July 1, ~~((1987))~~ 1995, until June 30,  
19 ~~((1995))~~ 2005, the following limitations shall apply to the  
20 department's total distribution of funds appropriated from the water  
21 quality account:

22 ~~((1) Not more than))~~ (a) Fifty percent for ((water pollution  
23 control facilities which discharge directly into marine waters))  
24 activities and facilities to control water pollution from point  
25 sources; and

26 ~~((2) Not more than twenty percent for water pollution control~~  
27 ~~activities that prevent or mitigate pollution of underground waters and~~  
28 ~~facilities that protect federally designated sole source aquifers with~~  
29 ~~at least two thirds for the Spokane Rathdrum Prairie Aquifer;~~

30 ~~(3) Not more than ten percent for water pollution control~~  
31 ~~activities that protect freshwater lakes and rivers including but not~~  
32 ~~limited to Lake Chelan and the Yakima and Columbia rivers;~~

33 ~~(4) Not more than ten percent for activities which control nonpoint~~  
34 ~~source water pollution;~~

35 ~~(5) Ten percent and such sums as may be remaining from the~~  
36 ~~categories specified in subsections (1) through (4) of this section for~~  
37 ~~water pollution control activities or facilities as determined by the~~  
38 ~~department; and~~

1       ~~(6) Two and one half percent of the total amounts of moneys under~~  
2 ~~subsections (1) through (5) of this section from February 21, 1986,~~  
3 ~~until December 31, 1995, shall be appropriated biennially to the state~~  
4 ~~conservation commission for the purposes of this chapter. Not less~~  
5 ~~than ten percent of the moneys received by the state conservation~~  
6 ~~commission under the provisions of this section shall be expended on~~  
7 ~~research activities.)) (b) Fifty percent for activities and facilities~~  
8 ~~that control water pollution from nonpoint sources. Fifty percent of~~  
9 ~~the funds distributed under this subsection (1)(b) shall be~~  
10 ~~appropriated biennially to the state conservation commission.~~

11       (2) The distribution under this section shall not be required to be  
12 met in any single fiscal year.

13       (3) Funds provided for facilities and activities under this chapter  
14 may be used for payments to a service provider under a service  
15 agreement pursuant to RCW 70.150.060. If funds are to be used for such  
16 payments, the department may make periodic disbursements to a public  
17 body or may make a single lump sum disbursement. Disbursements of  
18 funds with respect to a facility owned or operated by a service  
19 provider shall be equivalent in value to disbursements that would  
20 otherwise be made if that facility were owned or operated by a public  
21 body. Payments under this chapter for waste disposal and management  
22 facilities made to public bodies entering into service agreements  
23 pursuant to RCW 70.150.060 shall not exceed amounts paid to public  
24 bodies not entering into service agreements.

25       **Sec. 3.** RCW 70.146.075 and 1987 c 516 s 1 are each amended to read  
26 as follows:

27       (1) The department of ecology may enter into contracts with local  
28 jurisdictions which provide for extended grant payments under which  
29 eligible costs may be paid on an advanced or deferred basis. The  
30 dollar amount of extended grant payments paid by the department may not  
31 exceed seventeen and one-half million dollars during any one fiscal  
32 year.

33       (2) Extended grant payments shall be in equal annual payments, the  
34 total of which does not exceed, on a net present value basis, fifty  
35 percent of the total eligible cost of the project incurred at the time  
36 of design and construction. The duration of such extended grant  
37 payments shall be for a period not to exceed twenty years. The total

1 of federal and state grant moneys received for the eligible costs of  
2 the project shall not exceed fifty percent of the eligible costs.

3 (3) Any moneys appropriated by the legislature from the water  
4 quality account shall be first used by the department of ecology to  
5 satisfy the conditions of the extended grant payment contracts and  
6 shall not be considered a distribution under section 2 of this act.

7 (4) By July 1, 1995, the department shall enter into an extended  
8 grant contract for the prevention and mitigation of water pollution to  
9 the federally designated sole source aquifer in the Spokane Rathdrum  
10 Prairie. The contract shall provide five million dollars annually and  
11 shall terminate June 30, 2010.

12 NEW SECTION. Sec. 4. RCW 70.146.080 and 1994 sp.s. c 6 s 902,  
13 1993 sp.s. c 24 s 924, 1991 sp.s. c 16 s 923, & 1986 c 3 s 11 are each  
14 repealed.

15 NEW SECTION. Sec. 5. This act is necessary for the immediate  
16 preservation of the public peace, health, or safety, or support of the  
17 state government and its existing public institutions, and shall take  
18 effect immediately.

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