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HOUSE BILL 2171

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Linville, G. Chandler, B. Chandler and Parlette

Read first time 02/17/1999. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to water pollution control; amending RCW 90.48.010,  
2 90.48.020, and 43.21C.0383; reenacting and amending RCW 43.21B.110;  
3 adding new sections to chapter 90.48 RCW; creating new sections; and  
4 providing expiration dates.

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

6 **Sec. 1.** RCW 90.48.010 and 1973 c 155 s 1 are each amended to read  
7 as follows:

8 (1) It is declared to be the public policy of the state of  
9 Washington to maintain the highest possible standards to insure the  
10 purity of all waters of the state consistent with public health and  
11 public enjoyment thereof, the propagation and protection of wild life,  
12 birds, game, fish and other aquatic life, and the ~~((industrial))~~  
13 development of the state, and to that end require the use of all known  
14 available and reasonable methods by industries and others to prevent  
15 and control the pollution of the waters of the state of Washington.  
16 Consistent with this policy, the state of Washington will exercise its  
17 powers, as fully and as effectively as possible, to retain and secure  
18 high quality for all waters of the state. The state of Washington in  
19 recognition of the federal government's interest in the quality of the

1 navigable waters of the United States, of which certain portions  
2 thereof are within the jurisdictional limits of this state, proclaims  
3 a public policy of working cooperatively with the federal government in  
4 a joint effort to extinguish the sources of water quality degradation,  
5 while at the same time preserving and vigorously exercising state  
6 powers to insure that present and future standards of water quality  
7 within the state shall be determined by the citizenry, through and by  
8 the efforts of state government, of the state of Washington.

9 (2) The legislature finds that while existing federal and state  
10 water pollution control laws have resulted in cleaner water for  
11 citizens of Washington state, too many water bodies still exceed  
12 existing water quality standards. Such exceedances are caused both by  
13 point and nonpoint sources of pollution. It is the policy of the state  
14 of Washington to ensure the attainment of water quality standards that  
15 protect and restore the ability of the state's waters to provide  
16 multiple benefits; including, but not limited to, domestic, municipal,  
17 and industrial water supply; aquatic species; irrigation; and  
18 recreation.

19 (3) Water quality standards should be attained through a variety of  
20 means, including the development and implementation of total maximum  
21 daily loads as provided under the clean water act, and the  
22 implementation of other pollution control measures. The legislature  
23 believes that such flexibility must be available if the state is to  
24 attain water quality standards as soon as possible. The legislature  
25 also believes that most water segments should meet water quality  
26 standards as soon as possible after first being identified as water  
27 quality limited, and that five-year and ten-year milestones should be  
28 established that include pollutant reduction targets that lead to this  
29 goal. The legislature further believes that the burden for attaining  
30 water quality standards must be shared among the various contributors  
31 to water quality impairment in proportion to their contribution.

32 (4) The legislature finds that a watershed approach to water  
33 quality improvement allows the consideration of multiple factors and of  
34 their interactions. It also provides a means for bringing together  
35 those persons who will need to implement necessary measures to improve  
36 water quality, as well as others who may be interested in water  
37 quality.

38 (5) Water quality monitoring is becoming increasingly important as  
39 the state makes commitments to attain water quality standards, recover

1 aquatic species, and evaluate the effectiveness of actions taken to  
2 attain those goals. As a result, the legislature believes it is  
3 important to enhance the quality and breadth of existing water quality  
4 monitoring programs.

5 **Sec. 2.** RCW 90.48.020 and 1995 c 255 s 7 are each amended to read  
6 as follows:

7 ~~((Whenever the word))~~ Unless the context clearly requires  
8 otherwise, the definitions in this section apply throughout this  
9 chapter.

10 (1) "Designated use" means the uses for which a water body has been  
11 classified by the department.

12 ~~(2) "Person" ((is used in this chapter, it shall be construed to))~~  
13 includes any political subdivision, government agency, municipality,  
14 industry, public or private corporation, copartnership, association,  
15 firm, individual or any other entity whatsoever.

16 ~~((Wherever the words))~~ (3) "Waters of the state" ((shall be used in  
17 this chapter, they shall be construed to)) includes lakes, rivers,  
18 ponds, streams, inland waters, underground waters, salt waters and all  
19 other surface waters and watercourses within the jurisdiction of the  
20 state of Washington.

21 ~~((Whenever the word))~~ (4) "Pollution" ((is used in this chapter, it  
22 shall be construed to)) means such contamination, or other alteration  
23 of the physical, chemical or biological properties, of any waters of  
24 the state, including change in temperature, taste, color, turbidity, or  
25 odor of the waters, or such discharge of any liquid, gaseous, solid,  
26 radioactive, or other substance into any waters of the state as will or  
27 is likely to create a nuisance or render such waters harmful,  
28 detrimental or injurious to the public health, safety or welfare, or to  
29 domestic, commercial, industrial, agricultural, recreational, or other  
30 legitimate beneficial uses, or to livestock, wild animals, birds, fish  
31 or other aquatic life.

32 ~~((Wherever the word))~~ (5) "Department" ((is used in this chapter it  
33 shall)) means the department of ecology.

34 ~~((Whenever the word))~~ (6) "Director" ((is used in this chapter it  
35 shall)) means the director of ecology.

36 ~~((Whenever the words))~~ (7) "Clean water act" means the federal  
37 water pollution control act of 1972, as amended (86 Stat. 896; 33  
38 U.S.C. Sec. 1251 et seq.).

1       (8) "Aquatic noxious weed" (~~(are used in this chapter, they have)~~)  
2 has the meaning prescribed under RCW 17.26.020.

3       (9) "Listing cycle" means the four-year period, or other period as  
4 determined by the federal environmental protection agency, between  
5 adoption by rule of a list of water quality limited segments by the  
6 department and the adoption by rule of the next list of such segments  
7 by the department.

8       (10) "Load" means an amount of matter or thermal energy that is  
9 introduced into a receiving water.

10       (11) "Loading" means to introduce matter or thermal energy into a  
11 receiving water.

12       (12) "Loading capacity" means the greatest amount of loading that  
13 a water can receive without violating water quality standards.

14       (13) "Allocation" means the portion of a receiving water's loading  
15 capacity that is attributed to an existing or future point or nonpoint  
16 source of pollution, to natural background sources, or to nonpoint  
17 sources in the aggregate.

18       (14) "Total maximum daily loads" means the sum of allocations for  
19 point and nonpoint sources and natural background, plus a margin of  
20 safety and a reserve for growth.

21       (15) "Other pollution control measures" means the implementation of  
22 voluntary actions, or incentive-based or regulatory measures, that are  
23 applied to specific water quality limited segments, that are intended  
24 to achieve attainment with water quality standards as soon as possible,  
25 and that include monitoring and adaptive management. This definition  
26 is not intended to expand the reach of existing regulatory controls.  
27 Such actions and measures include, but are not limited to, the  
28 conservation reserve enhancement program, provisions pertaining to on-  
29 site septic systems and to storm water, dairy nutrient management under  
30 chapter 90.64 RCW, the forest practices act, or habitat conservation  
31 plans as provided under section 9 of this act.

32       (16) "Wastewater discharge permit" means an individual, model, or  
33 general permit issued by the department that specifies treatment,  
34 monitoring, and reporting requirements for the discharge of wastewater,  
35 and that is intended to satisfy the requirements of the clean water act  
36 and of this chapter.

37       (17) "Water quality limited segment" means any surface water  
38 segment, as defined by the department, where it is known that water  
39 quality does not meet applicable water quality standards, even after

1 the application of technology-based effluent limitations required by  
2 sections 301(b) and 306 of the clean water act.

3 (18) "Effluent trading" means a method to attain or maintain water  
4 quality standards by allowing sources of pollution that can achieve  
5 greater pollutant reduction than is otherwise required to sell or  
6 barter the credits for its excess reduction to another source unable to  
7 reduce its own pollutants as cheaply.

8 NEW SECTION. Sec. 3. WATER QUALITY LIMITED SEGMENTS--DATA  
9 RELIABILITY FOR DECISIONS TO LIST--ACCESS TO PRIVATE PROPERTY. (1) The  
10 list of water quality limited segments that is required to be submitted  
11 to the federal environmental protection agency under the clean water  
12 act shall be based upon data that are accurate and reflective of  
13 current conditions and that comply with the highest standards of  
14 quality assurance and quality control. A water segment may be listed  
15 as water quality limited under section 4 of this act only when:

16 (a) Documentation is provided showing the submitted data have met  
17 the data quality objectives and other requirements of an approved  
18 quality assurance program plan; or

19 (b) The department independently samples the water body segment to  
20 verify the suspected water quality exceedance.

21 (2) The department shall coordinate a reliable, state-wide water  
22 quality monitoring network that assures a department presence in each  
23 water resource inventory area in the state. The water quality  
24 monitoring network shall also include other state agencies, tribes,  
25 counties, cities, federal agencies, water and wastewater utilities, and  
26 special purpose districts, as well as private entities that wish to  
27 provide such data. The department shall coordinate the collection of  
28 water quality data among state agencies to ensure that monitoring is  
29 comprehensive without being duplicative, and that state monitoring  
30 resources are directed toward filling the most critical information  
31 gaps. The network shall provide data for both ambient water quality  
32 monitoring and development of the list of water quality limited  
33 segments. In coordinating this network, the department shall ensure  
34 state-wide consistency, provide calibration of local monitoring  
35 efforts, provide data verification and validation, and assess long-term  
36 water quality trends.

37 (3) By October 1, 1999, the department shall appoint an advisory  
38 committee comprised of one representative from each of the following

1 agencies and interests: The department, the United States  
2 environmental protection agency, the United States geological survey,  
3 the department of health, the department of fish and wildlife, the  
4 department of transportation, one representative appointed by the  
5 Washington state association of counties, one representative appointed  
6 by the association of Washington cities, a public water supply utility,  
7 the conservation commission, the University of Washington, Washington  
8 State University, the agricultural sector, an irrigation district, and  
9 an environmental group. Each of these representatives shall have  
10 experience in the collection, analysis, and interpretation of  
11 environmental data. The committee shall also consist of a state  
12 senator from each of the two major caucuses appointed by the president  
13 of the senate, and a state representative from each of the two major  
14 caucuses appointed by the speaker of the house of representatives. The  
15 committee shall have the following purposes:

16 (a) Development of qualitative and quantitative objectives  
17 regarding the precision, bias, representativeness, completeness, and  
18 comparability required for water quality monitoring data to serve  
19 program purposes;

20 (b) Development of quality assurance and quality control guidelines  
21 for the collection, analysis, and interpretation of water quality data  
22 for freshwater; and

23 (c) Comparison of the proposed use-based water quality standards  
24 with the current classification system in terms of the protection  
25 provided to designated uses, as well as the regulatory impacts on point  
26 and nonpoint sources.

27 (4) The committee identified in subsection (3) of this section  
28 shall provide its recommendations to the legislature, the department,  
29 and the United States environmental protection agency by December 31,  
30 2000.

31 (5) The department shall adopt data quality objectives and quality  
32 assurance and quality control guidelines based upon the recommendations  
33 made by the committee identified in subsection (3) of this section and  
34 the comments provided by the entities identified in subsection (4) of  
35 this section. These objectives and guidelines shall be updated  
36 periodically to reflect new methods and instrumentation.

37 (6) After July 1, 2001, the department shall require that any water  
38 quality data submitted to the state for purposes of ambient monitoring  
39 or compiling a list of water quality limited segments comply with the

1 department's data quality objectives and quality assurance and quality  
2 control guidelines.

3 (7) For water quality samples that can only be obtained by entering  
4 and crossing over private property, the department or its designee must  
5 receive permission from the owner of the property to be entered before  
6 collecting the sample. Property owners or others who wish to verify  
7 the analysis of a water quality sample may request to split a sample  
8 with the department and may provide that sample to an accredited  
9 laboratory for analysis.

10 NEW SECTION. **Sec. 4.** LISTING OF WATER QUALITY LIMITED SEGMENTS.

11 (1) After July 1, 2001, the department shall prepare a list of water  
12 quality limited segments, as required under section 303(d) of the clean  
13 water act, that is based upon data that are collected and analyzed in  
14 compliance with the department's data quality objectives and quality  
15 assurance and quality control guidelines. The list shall include all  
16 water segments that do not meet water quality standards, including  
17 narrative and numeric criteria and designated uses. Water segments  
18 shall remain on the list until they meet water quality standards and  
19 shall be removed from the list as soon as they are found to meet water  
20 quality standards. The list shall be submitted to the environmental  
21 protection agency by April 1st every four years on even-numbered years,  
22 or as required by the environmental protection agency.

23 (2) To ensure an opportunity for public participation in the  
24 process of listing water quality limited segments, the department  
25 shall:

26 (a) Provide notice in the Washington State Register that it is  
27 beginning a new cycle for listing of water quality limited segments;

28 (b) Develop a proposed list of water quality limited segments, and  
29 compare the proposed list to the previous list approved by the  
30 environmental protection agency to identify water quality trends;

31 (c) Submit the proposed list to the environmental protection  
32 agency, affected tribal governments, and the general public for review;

33 (d) Develop responses to the comments received;

34 (e) Prepare the final list and adopt the final list by rule; and

35 (f) Submit the final list to the environmental protection agency  
36 for approval.

1 (3) Listing of water quality limited segments as required under  
2 this chapter is not subject to the state environmental policy act,  
3 chapter 43.21C RCW.

4 **Sec. 5.** RCW 43.21C.0383 and 1996 c 322 s 1 are each amended to  
5 read as follows:

6 (1) The issuance, reissuance, or modification of a waste discharge  
7 permit that contains conditions no less stringent than federal effluent  
8 limitations and state rules is not subject to the requirements of RCW  
9 43.21C.030(2)(c). This exemption applies to existing discharges only  
10 and does not apply to new source discharges.

11 (2) The adoption by the department of a list of water quality  
12 limited segments as provided in chapter 90.48 RCW, and the adoption by  
13 the department of total maximum daily loads as provided in chapter  
14 90.48 RCW are not subject to the requirements of RCW 43.21C.030(2)(c).

15 NEW SECTION. **Sec. 6.** EFFECT OF LISTING. A wastewater discharge  
16 permit may not be issued to a new source or to a new discharger if the  
17 discharge would cause or contribute to an existing violation of water  
18 quality standards in water segments identified as water quality  
19 limited.

20 NEW SECTION. **Sec. 7.** TOTAL MAXIMUM DAILY LOADS. (1) On water  
21 quality limited segments where nonpoint sources are the likely cause of  
22 exceedances, other pollution control measures shall apply. The  
23 department shall develop total maximum daily loads for nonpoint sources  
24 only after a review of applicable monitoring data shows that these  
25 measures have not been effective in reducing pollutants in the amount  
26 necessary for the segment to show measurable improvements in water  
27 quality five years after the segment is listed, or five years after the  
28 effective date of this section, whichever is later.

29 (2) On water quality limited segments affected by both point and  
30 nonpoint sources, the department shall develop total maximum daily  
31 loads that allocate loads to each of the point sources and aggregate  
32 loads to nonpoint sources.

33 (3) On water quality limited segments where point sources are the  
34 likely cause of exceedances, the department shall develop total maximum  
35 daily loads, unless all of the point sources can agree on load



1 reductions that would lead to the attainment of water quality standards  
2 more quickly than total maximum daily loads.

3 (4) Priority for total maximum daily load development shall be  
4 based on the following factors:

5 (a) Risk to public health, aquatic life, and other water-dependent  
6 wildlife, including species listed or proposed for listing as  
7 threatened or endangered under the federal endangered species act (16  
8 U.S.C. Sec. 1531 et seq.); and

9 (b) Vulnerability of the water quality limited segment to  
10 degradation.

11 (5) Total maximum daily loads shall include the following elements:

12 (a) Determining the pollutant of concern and quantifying the target  
13 or desired end-points of the total maximum daily load process;

14 (b) Quantifying the pollutant load that must be reduced to meet the  
15 target;

16 (c) Identifying the responsible sources, or categories of sources  
17 of the pollutant that causes the exceedance, and quantifying the degree  
18 to which each source or source category contributes to the exceedance;

19 (d) Setting the load allocation among identified sources, including  
20 gross aggregate nonpoint sources, along with a quantified margin of  
21 safety, and any allocation for future growth;

22 (e) Specifying and quantifying control actions and implementation  
23 tools, methods, and authorities that will be used to achieve the  
24 allocations, in addition to schedules and milestones for implementing  
25 the identified actions;

26 (f) Determining the degree of use attainment, remaining variance  
27 from the target, compliance with implementation plans, and the accuracy  
28 of sources and source contributions identified in the total maximum  
29 daily load; and

30 (g) Describing how the total maximum daily load will be modified or  
31 revised to ensure water quality standards are met in response to  
32 follow-up monitoring and evaluation results.

33 (6) Department actions to initiate total maximum daily loads shall  
34 be taken in the town or city nearest to the location of the water  
35 quality limited segment in order to facilitate participation by  
36 affected parties. Those persons who would be affected by an allocation  
37 of loads must be given an opportunity to be involved in the total  
38 maximum daily load development process from the outset.

1 (7) Allocations should be developed through consensus. If  
2 consensus is not achievable, a mediator may be retained at the group's  
3 expense to negotiate an allocation. If an agreement is still not  
4 forthcoming within an agreed-upon time frame, the department shall  
5 allocate loads.

6 (8) To encourage public participation in the process of developing  
7 total maximum daily loads, the department shall provide an opportunity  
8 for public comment on any total maximum daily load that meets all of  
9 the requirements of this section before its adoption by the department.

10 (9) A total maximum daily load that meets all of the requirements  
11 of this section shall be adopted by the department as an order under  
12 the administrative procedure act, chapter 34.05 RCW. The order that  
13 adopts the allocation of pollutant loads must be published in the  
14 Washington State Register. The order does not provide a separately  
15 enforceable cause of action and may be implemented only through  
16 wastewater discharge permits or through regulatory programs that  
17 address nonpoint sources. The order may be appealed under RCW  
18 43.21B.110 for the sole purpose of redetermining an element or elements  
19 of the total maximum daily load.

20 (10) The department shall consider requests from wastewater  
21 discharge permit holders to engage in effluent trading as defined in  
22 the draft framework for watershed-based trading as developed by the  
23 environmental protection agency when:

24 (a) Proposed trades would result in meeting water quality standards  
25 throughout a watershed; and

26 (b) Proposed trades are developed within a total maximum daily load  
27 or equivalent analytical framework. The department must develop  
28 guidelines for evaluation and approval of effluent trades.

29 (11) Planning units conducting water quality planning under chapter  
30 90.82 RCW may implement other pollution control measures, or lead the  
31 development of total maximum daily loads, or request the department to  
32 develop total maximum daily loads, for single pollutants that are  
33 widespread throughout the planning area such as exceedances of  
34 temperature, sediments, turbidity, or dissolved oxygen standards.

35 **Sec. 8.** RCW 43.21B.110 and 1998 c 262 s 18, 1998 c 156 s 8, and  
36 1998 c 36 s 22 are each reenacted and amended to read as follows:

37 (1) The hearings board shall only have jurisdiction to hear and  
38 decide appeals from the following decisions of the department, the

1 director, local conservation districts, and the air pollution control  
2 boards or authorities as established pursuant to chapter 70.94 RCW, or  
3 local health departments:

4 (a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431,  
5 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and  
6 90.56.330.

7 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
8 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,  
9 90.14.130, 90.48.120, ((and)) 90.56.330, and section 7 of this act.

10 (c) The issuance, modification, or termination of any permit,  
11 certificate, or license by the department or any air authority in the  
12 exercise of its jurisdiction, including the issuance or termination of  
13 a waste disposal permit, the denial of an application for a waste  
14 disposal permit, the modification of the conditions or the terms of a  
15 waste disposal permit, or a decision to approve or deny an application  
16 for a solid waste permit exemption under RCW 70.95.300.

17 (d) Decisions of local health departments regarding the grant or  
18 denial of solid waste permits pursuant to chapter 70.95 RCW.

19 (e) Decisions of local health departments regarding the issuance  
20 and enforcement of permits to use or dispose of biosolids under RCW  
21 70.95J.080.

22 (f) Decisions of the department regarding waste-derived fertilizer  
23 or micronutrient fertilizer under RCW 15.54.820, and decisions of the  
24 department regarding waste-derived soil amendments under RCW 70.95.205.

25 (g) Decisions of local conservation districts related to the denial  
26 of approval or denial of certification of a dairy nutrient management  
27 plan; conditions contained in a plan; application of any dairy nutrient  
28 management practices, standards, methods, and technologies to a  
29 particular dairy farm; and failure to adhere to the plan review and  
30 approval timelines in RCW 90.64.026.

31 (h) Any other decision by the department or an air authority which  
32 pursuant to law must be decided as an adjudicative proceeding under  
33 chapter 34.05 RCW.

34 (2) The following hearings shall not be conducted by the hearings  
35 board:

36 (a) Hearings required by law to be conducted by the shorelines  
37 hearings board pursuant to chapter 90.58 RCW.

38 (b) Hearings conducted by the department pursuant to RCW 70.94.332,  
39 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

1 (c) Proceedings by the department relating to general adjudications  
2 of water rights pursuant to chapter 90.03 or 90.44 RCW.

3 (d) Hearings conducted by the department to adopt, modify, or  
4 repeal rules.

5 (3) Review of rules and regulations adopted by the hearings board  
6 shall be subject to review in accordance with the provisions of the  
7 Administrative Procedure Act, chapter 34.05 RCW.

8 NEW SECTION. **Sec. 9.** LIMITATIONS ON ENFORCEMENT. (1) The  
9 department shall not enforce exceedances of water quality standards  
10 identified as limiting for salmonids, other aquatic life, and other  
11 water-dependent wildlife that are listed as threatened or endangered  
12 under the federal endangered species act, or that are candidates for  
13 listing, against persons who are subject to the following binding  
14 agreements:

15 (a) The use of field office technical guides as required by the  
16 natural resources conservation service;

17 (b) Mitigation requirements as the result of a jeopardy opinion by  
18 federal agencies under section 7 of the federal endangered species act;  
19 or

20 (c) A habitat conservation plan under section 10 of the federal  
21 endangered species act that has been approved by federal agencies as  
22 satisfying the requirements of the act for salmonids, other aquatic  
23 life, or other water-dependent wildlife that are listed as threatened  
24 or endangered, or are candidates for listing.

25 (2) The immunity provided under subsection (1) of this section  
26 shall be provided only as long as measurable progress toward attainment  
27 of water quality standards can be demonstrated at five-year intervals  
28 after adoption of the mechanisms identified under subsection (1) of  
29 this section for up to fifteen years. If net progress cannot be  
30 demonstrated in each five-year period for up to fifteen years, the  
31 immunity shall lapse.

32 (3) For purposes of compliance with this section, water quality  
33 criteria for aquatic species shall be limited to the conventional  
34 parameters of dissolved oxygen, total dissolved gases, turbidity, pH,  
35 and temperature, as well as the numeric and narrative criteria for  
36 material that is toxic and deleterious to aquatic species.

1        NEW SECTION.    **Sec. 10.**    MARINE WATERS--TOTAL MAXIMUM DAILY LOADS.

2    Because of their location downstream of most human activities, marine  
3    waters tend to be the final repository for many pollutants generated by  
4    human activity. Marine waters are also often subject to complex and  
5    multiple sources of pollutants, many of which are ongoing. Many  
6    pollutants bind with sediments, and have created the need for cleanups  
7    under the federal comprehensive environmental response, compensation,  
8    and liability act of 1980 and the state model toxics control act,  
9    chapter 70.105D RCW. While the cleanup of these sites will prevent  
10   contamination of the water column from sediments, it may not prevent  
11   contamination caused by other sources that may exist. As a result,  
12   sediment cleanup alone may be insufficient to guarantee attainment of  
13   water quality standards, unless the record of decision issued pursuant  
14   to a cleanup under the federal comprehensive environmental response,  
15   compensation, and liability act of 1980 or chapter 70.105D RCW also  
16   includes a plan for controlling ongoing pollutant sources.

17        For water quality limited segments in marine waters where no  
18   sediment cleanup is planned; or where a sediment cleanup has been  
19   completed, but no source control plan has been adopted; a total maximum  
20   daily load shall be developed and implemented. Such total maximum  
21   daily loads should be prepared concurrently with a sediment cleanup  
22   plan.

23        NEW SECTION.    **Sec. 11.**    STORM WATER ADVISORY COMMITTEE.    (1) The

24   department of ecology shall convene a storm water advisory committee  
25   for the purpose of updating the department's storm water management  
26   plan and the Puget Sound storm water management manual. The advisory  
27   committee shall be comprised of one or more representatives selected by  
28   each of the following agencies and associations: The department of  
29   ecology, the department of natural resources, the department of fish  
30   and wildlife, the department of transportation, the Washington state  
31   association of counties, the association of Washington cities, and the  
32   two leading professional associations for wastewater system engineers  
33   and managers.

34        (2) The advisory committee shall be appointed no later than  
35   September 1, 1999, and shall complete its work by December 31, 2000.  
36   The department of ecology shall provide a progress report to the  
37   legislature on storm water management issues and the approach to these  
38   issues taken by the advisory committee no later than December 31, 1999.

1 (3) This section expires December 31, 2000.

2 NEW SECTION. **Sec. 12.** SHORELINE MANAGEMENT ADVISORY COMMITTEE.

3 (1) The department of ecology shall convene a shoreline management  
4 advisory committee for the purpose of developing recommendations for  
5 updating the shoreline management act, chapter 90.58 RCW. The advisory  
6 committee shall be comprised of one representative selected by each of  
7 the following agencies and associations: The department of ecology,  
8 the department of natural resources, the department of fish and  
9 wildlife, the marine trade association, the Washington public ports  
10 association, the association of Washington business, the shellfish  
11 industry, the fishing industry, a county west of the crest of the  
12 Cascade mountains, a county east of the crest of the Cascade mountains,  
13 a city with over one hundred thousand population, a city with under one  
14 hundred thousand population, and an environmental group. Appointments  
15 to the shoreline management advisory committee shall reflect the  
16 geographical balance of population within the state.

17 (2) The advisory committee shall be appointed no later than  
18 September 1, 1999, and shall provide its recommendations for amendments  
19 to the shoreline management act to the legislature by December 1, 2000.  
20 The department of ecology shall provide a progress report to the  
21 legislature on shoreline management issues and the approach to these  
22 issues taken by the advisory committee no later than December 31, 1999.

23 (3) This section expires December 31, 2000.

24 NEW SECTION. **Sec. 13.** CAPTIONS NOT LAW. Captions used in this  
25 act are not any part of the law.

26 NEW SECTION. **Sec. 14.** Sections 3, 4, 6, 7, 9, and 10 of this act  
27 are each added to chapter 90.48 RCW.

--- END ---