

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 2239**

Chapter 242, Laws of 1999

56th Legislature  
1999 Regular Session

STORM WATER CONTROL--SALMON HABITAT

EFFECTIVE DATE: 7/25/99

Passed by the House April 19, 1999  
Yeas 97 Nays 0

CLYDE BALLARD  
**Speaker of the House of Representatives**

FRANK CHOPP  
**Speaker of the House of Representatives**

Passed by the Senate April 14, 1999  
Yeas 48 Nays 0

BRAD OWEN  
**President of the Senate**

Approved May 10, 1999

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2239** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER  
**Chief Clerk**

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

May 10, 1999 - 4:25 p.m.

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE HOUSE BILL 2239

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AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

State of Washington                      56th Legislature                      1999 Regular Session

By House Committee on Transportation (originally sponsored by  
Representatives Buck and Wood)

Read first time 03/08/1999.

1            AN ACT Relating to storm water control grant programs; amending RCW  
2 90.78.005, 90.78.010, 90.78.020, and 75.50.165; and providing an  
3 expiration date.

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

5            **Sec. 1.** RCW 90.78.005 and 1996 c 285 s 2 are each amended to read  
6 as follows:

7            The legislature finds that the increasing population and continued  
8 development throughout the state have increased the need for storm  
9 water control. Storm water impacts have resulted in increased public  
10 health risks related to drinking water and agricultural and seafood  
11 products; increased disruption of economic activity, transportation  
12 facilities, and other public and private land and facilities due to the  
13 lack of adequate flood control measures; adverse affects on state fish  
14 populations and watershed hydrology; and contamination of sediments.

15            In addition, current storm water control and management efforts  
16 related to transportation projects lack necessary coordination on a  
17 watershed, regional, and state-wide basis; have inadequate funding; and  
18 fail to maximize use of available resources.

1 More stringent regulatory requirements have increased the costs  
2 that state and local governments must incur to deal with significant  
3 sources of pollution such as storm water. The costs estimated to  
4 properly maintain and construct storm water facilities far exceed  
5 available revenues.

6 Therefore, it is the intent of the legislature to establish a  
7 program to develop a state-wide coordination mechanism for the funding  
8 of state, county, and city highway and roadway-related storm water  
9 management and control projects that will facilitate the completion of  
10 the state's most urgently needed storm water projects in the most cost-  
11 effective manner. Unexpended annual utility fee payments that are not  
12 collected by virtue of defaulting in preparing a plan must be used in  
13 the storm water grant program as defined in RCW 90.78.010 and  
14 90.78.020.

15 **Sec. 2.** RCW 90.78.010 and 1996 c 285 s 3 are each amended to read  
16 as follows:

17 The department of transportation, in cooperation with the  
18 transportation improvement board, the department of ecology, cities,  
19 towns, counties, environmental organizations, business organizations,  
20 Indian tribes, and port districts, shall develop a storm water  
21 management funding and implementation program to address state, county,  
22 and city highway and roadway-related storm water control problems. As  
23 part of the program, the department may provide grants and may rate and  
24 rank local transportation improvement projects to facilitate the  
25 construction of the highest priority stand-alone state and local storm  
26 water management retrofit projects based on cost-effectiveness and  
27 contribution toward improved water quality, mitigating the impacts of  
28 altered stream hydrology, improved salmonid habitat, and reduced  
29 flooding in a watershed.

30 The program shall address, but is not limited to, the following  
31 objectives: (1) Greater state-wide coordination of the construction of  
32 storm water treatment facilities; (2) encouraging multijurisdictional  
33 projects; (3) developing priorities and approaches for implementing  
34 activities within watersheds; (4) methods to enhance, preserve, and  
35 restore salmonid habitat; (5) identification and prioritization of  
36 storm water retrofit programs; ~~((+5))~~ (6) evaluating methods to  
37 determine cost benefits of proposed projects; ~~((+6))~~ (7) identifying  
38 ways to facilitate the sharing of technical resources; ~~((+7))~~ (8)

1 developing methods for monitoring and evaluating activities carried out  
2 under the program; and ~~((+8+))~~ (9) identifying potential funding  
3 sources for continuation of the program.

4 **Sec. 3.** RCW 90.78.020 and 1996 c 285 s 4 are each amended to read  
5 as follows:

6 The department of transportation may provide grants and may rate  
7 and rank local transportation improvement projects to implement state,  
8 county, and city highway and roadway-related storm water control  
9 measures. Cities, towns, counties, port districts, Indian tribes, and  
10 the department of transportation are eligible to receive grants, on a  
11 matching basis. The transportation improvement board may administer  
12 all grant programs specifically designed to assist cities, counties,  
13 and local governments with storm water mitigation associated with  
14 transportation projects. A committee consisting of two representatives  
15 each from the department of transportation, with one as chair, the  
16 department of ecology, cities, and counties, and one representative  
17 each from the transportation improvement board, the department of fish  
18 and wildlife, an environmental organization, and a business  
19 organization, shall oversee the grant program. The committee may add  
20 representatives of other agencies, organizations, or interest groups to  
21 serve as members of the committee or in an advisory capacity. In  
22 developing project criteria, the committee shall identify the most  
23 urgent state, county, and city highway and roadway-related storm water  
24 management and control problems; develop methods for applying  
25 priorities across watersheds; give added weight to projects based on  
26 local contribution, multijurisdictional involvement, and whether the  
27 project is a priority for a local storm water utility; and determine  
28 the benefits of, and, if appropriate, provide incentives for off-site  
29 placement of storm water facilities and out-of-kind mitigation for  
30 storm water impacts.

31 **Sec. 4.** RCW 75.50.165 and 1998 c 249 s 16 are each amended to read  
32 as follows:

33 (1) The department of transportation ~~((is authorized to))~~ and the  
34 department of fish and wildlife may administer ((a)) and coordinate all  
35 state grant programs specifically designed to assist state agencies,  
36 local governments, private landowners, tribes, organizations, and  
37 volunteer groups in identifying and removing impediments to

1 ~~((anadromous))~~ salmonid fish passage. ~~((The))~~ The transportation  
2 improvement board may administer all grant programs specifically  
3 designed to assist cities, counties, and local governments with fish  
4 passage barrier corrections associated with transportation projects.  
5 All grant programs ~~((shall))~~ must be administered and be consistent  
6 with the following:

7 (a) ~~((Eligible projects include))~~ Salmonid-related corrective  
8 projects, inventory, assessment, and prioritization efforts;

9 (b) Salmonid projects ~~((shall be))~~ subject to a competitive  
10 application process; and

11 (c) A minimum dollar match rate that is consistent with the funding  
12 authority's criteria. If no funding match is specified, a match amount  
13 of at least twenty-five percent per project is required. For local,  
14 private, and volunteer projects, in-kind contributions may be counted  
15 toward the match requirement.

16 (2) Priority shall be given to projects that immediately increase  
17 access to available and improved spawning and rearing habitat for  
18 depressed, threatened, and endangered stocks. Priority shall also be  
19 given to project applications that are coordinated with other efforts  
20 within a watershed((?)).

21 ~~((d))~~ (3) Except for projects administered by the transportation  
22 improvement board, all projects shall be reviewed and approved by the  
23 fish passage barrier removal task force((? and

24 (e) A match of at least twenty-five percent per project shall be  
25 required. For local, private, and volunteer projects, in-kind  
26 contributions may be counted toward the match requirement.

27 (2) The department of transportation shall proceed expeditiously in  
28 implementing the grant program during the 1998 summer construction  
29 season)) or an alternative oversight committee designated by the state  
30 legislature.

31 (4) Other agencies that administer natural resource based grant  
32 programs that may include fish passage barrier removal projects shall  
33 use fish passage selection criteria that are consistent with this  
34 section.

35 (5) The departments of transportation and fish and wildlife shall  
36 establish a centralized data base directory of all fish passage barrier  
37 information. The data base directory must include, but is not limited  
38 to, existing fish passage inventories, fish passage projects, grant  
39 program applications, and other data bases. These data must be used to

1 coordinate and assist in habitat recovery and project mitigation  
2 projects.

3 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act expire July  
4 1, 2003.

Passed the House April 19, 1999.

Passed the Senate April 14, 1999.

Approved by the Governor May 10, 1999.

Filed in Office of Secretary of State May 10, 1999.