

HOUSE BILL REPORT

SB 6609

As Passed House - Amended:

March 5, 2002

Title: An act relating to studies conducted by the department of ecology.

Brief Description: Allowing cost recovery in cases involving disputed department of ecology studies.

Sponsors: By Senators Snyder, Deccio, T. Sheldon, Morton, Rasmussen, Honeyford, Hale and Hargrove.

Brief History:

Committee Activity:

Agriculture & Ecology: 2/28/02 [DPA].

Floor Activity:

Passed House - Amended: 3/5/02, 71-26.

Brief Summary of Bill (As Amended by House)

- Requires the Department of Ecology to involve local watershed planning groups, local governments, and affected citizens when conducting a water quality study.
- Creates a procedure for parties affected by certain Department of Ecology studies to appeal final study conclusions and to seek recovery of attorney and consultant costs.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass as amended. Signed by 13 members: Representatives Linville, Chair; Hunt, Vice Chair; Schoesler, Ranking Minority Member; Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Staff: Jason Callahan (786-7117).

Background:

The director of the Department of Ecology has the statutory authority to undertake any

study dealing with all aspects of environmental problems involving land, water, or air. Such studies must be limited to the investigation of particular problems and may not be implemented by positive action.

Summary of Amended Bill:

The Department of Ecology (department) is required to involve local watershed planning groups, local governments, and affected and concerned citizens when conducting a total maximum daily load study for a water body, and disclose pertinent study information. Any technical or procedural disagreements that arise during the process may be submitted to the director of the department for review. Disagreement with the director's review may be heard by an administrative law judge, who may order that the study be disregarded and award certain costs to the affected party. These costs may include attorney costs and the costs of a consultant.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Local governments have a need for a mechanism that will hold the Department of Ecology accountable for the results of the studies it produces. The results of a study done on the water quality in Willipa Bay were flawed and not agreed to by outside experts. However, the regulatory effects of the study would discourage business expansion in the region.

In the past, the Department of Ecology has always been willing to come to the table and discuss issues, but they have not always been able to produce acceptable results. Therefore, the striking amendment is necessary, but perhaps not sufficient.

Testimony Against: None.

Testified: Commissioner Pat Hamilton, Pacific County; and Bryan Harrison, Pacific County.